Town of East Hartford

Zoning Regulations

Effective Date: March 15, 1997
Revised: March 30, 2016

Town of

East Hartford

Zoning Regulations

Adopted by
The East Hartford
Planning and Zoning Commission

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ARTICLE I: PURPOSE, AUTHORITY, ZONING DISTRICTS AND ZONING MAPS

Section 100 Purpose and Authority

These regulations as well as all revisions and amendments are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut.

The Planning and Zoning Commission of the Town of East Hartford hereby adopts the following zoning regulations for the Town of East Hartford for the purposes of promoting the health, safety, morals, and general welfare of the community; lessening congestion in the *street*s; securing safety from fire, panic and other dangers; providing adequate light and air; providing for the utilization of solar energy; preventing the overcrowding of land and avoiding undue concentration of population; facilitating adequate provision for transportation, water, sewerage, schools, parks and other public requirements; conserving the value of *building*s and encouraging the most appropriate use of land throughout the town; providing for the public health, comfort and general welfare in the living and working conditions; regulating and restricting the location of trades and industries and the location of *building*s designed for specified uses; regulating and limiting the height and bulk of *building*s hereafter erected and regulating and determining the area of *yard*s, courts and other open space for *building*s hereafter erected.

Section 101 Zoning Districts

For the purpose of these Regulations, the Town of East Hartford is divided into the following Districts or Zones:

Residence 1	(R-1)	Zone
Residence 2	(R-2)	Zone
Residence 3	(R-3)	Zone
Residence 4	(R-4)	Zone
Residence 5	(R-5)	Zone
Residence 6	(R-6)	Zone
Business 1	(B-1)	Zone
Business 2	(B-2)	Zone
Business 3	(B-3)	Zone
Business 4	(B-4)	Zone
Business 5	(B-5)	Zone
Business 6	(B-6)	Zone
Comprehensive Downtown Rehabilitation Zone	(CDR)	Zone
Industry 1	(I-1)	Zone
Industry 2	(I-2)	Zone
Industry 3	(I-3)	Zone
Design Development District I Zone	(DDDI)	Zone
Design Development District II Zone	(DDDII)	Zone
Incentive Development Zone	(IDZ)	Zone

Section 102 Design Manual

The East Hartford Design Manual, unless otherwise specifically indicated herein, is not a part of the zoning regulations. All references to the manual herein are made solely for the purpose of assisting in the interpretation and the application of these regulations.

Section 103 Zoning Maps

The boundaries of such zoning districts shall be shown on the set of zoning maps, one (1) inch to two hundred (200) feet scale, numbered one (1) through seventy (70) as amended to March 15, 1997, which are on file in the Office of the Town Clerk. Such maps are hereby declared to be a part of these regulations as fully as if set out herein. The Town may from time to time publish a summary map at a scale of one (1) inch to one thousand (1,000) feet that includes all zoning districts. This map is for information purposes only and does not carry the force of law.

Section 104 Interpretation of Zoning District Boundaries

Unless otherwise indicated on the zoning maps, the zoning district boundary lines are the center line of *street*s, the middle of the channel of waterways, the center line of main tracks of railroad lines, or the center line of utility rights-of-way. Where a boundary is shown parallel to a *street* or railroad, such boundary shall be interpreted as running parallel to the nearest *street* center line or the center line of the main tracks of Railroad line and at such distance there from as indicated on the zoning map. If not indicated, such distance shall be two hundred (200) feet in all Residence zones and Industrial zones and one hundred (100) feet in all Business zones from the nearest *street* center line or center line of the main tracks of a railroad line.

Where zoning district boundaries are shown graphically as following property lines indicated on the zoning maps, such boundaries shall be the property lines as described by a duly recorded deed on file with the Town Clerk of the Town of East Hartford at the time of passage of these regulations or any amendment thereto changing the zoning district boundary affecting such property. In the event of a conflict over the interpretation of a zoning district boundary, the Zoning Enforcement Officer and Town Planner will provide an interpretation. If the party requesting it disagrees with the interpretation of the Zoning Enforcement Officer and Town Planner, he/she may request additional clarification from the Planning and Zoning Commission (whose decision shall be final.) Corrections to the zoning maps shall be treated as a rezoning action.

ARTICLE II: GENERAL PROVISIONS

Section 200 Definitions

In the construction of this regulation, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law or as herein defined, shall be construed and understood accordingly. Words defined herein have been identified within the text of the regulation by the use of italics, solely for the convenience of user reference.

ACCESSORY BUILDING: Any *building* that is subordinate to and whose use is incidental and supplementary to the use of the principal *building* on the same *lot*. An *accessory building* is not attached to the principal *building* by any covered porch, breezeway or other roofed *structure*.

ACCESSORY STRUCTURE: Any *structure* that is subordinate to and whose use is incidental and customary to the use of the principal *structure* on the same *lot*. An *accessory structure* is not attached to the principal *structure* by any covered porch, breezeway or other roofed *structure* in any way.

ACCESSORY USE: A use that is customary in the case of a principal use and subordinate to it and that shall not exceed twenty-five (25) percent of the total aggregate building area.

ACTIVE SOLAR SYSTEM: A system using a mechanical device such as pumps or fans and energy in addition to solar energy to transport a conductive medium (air or water) between a solar collection and the interior of a *building*

ADULT ORIENTED ESTABLISHMENT: Shall include, without limitation, *adult bookstores, adult motion picture theaters, adult mini-motion picture theaters* and further means any *premises* to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the *premises* for the purpose of viewing adult-oriented motion pictures, adult cabaret, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An *adult-oriented establishment* further includes, any *premises* that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or like import.

ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* as defined below, and in conjunction therewith, has facilities for the presentation of *adult material*, as defined below, and including adult-oriented films, movies, or live entertainment for observation by patrons therein.

ADULT CABARET: An Establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of *Specified Anatomical Areas* or by *Specified Sexual Activities*, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to *Specified Sexual Activities or Specified Anatomical Areas* for observation by patrons therein.

ADULT DAYCARE FACILITY[1]**:** Any *structure* or land used for the care of persons, eighteen (18) years of age or older offering a daytime program of supervision, social and recreational activities, personal care, meals and snacks, nominal health care services, and physical therapy which are certified through a peer review process with the Connecticut Association of Adult Day Centers (CAADC). An adult daycare facility does not include overnight care and accommodations, alcohol or substance abuse rehabilitation or residential services for persons released from or

[1] *Amendment to Article II: General Provisions, Section 200. Effective Date: December 1, 2011*

assigned to a correctional facility. An Adult Daycare Facility does not provide the services or treatments available at a *substance abuse treatment facility*.

ADULT MOTION PICTURE THEATER: An enclosed *building* with a capacity of fifty or more *person*s used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas*, as defined below, for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed *building* with a capacity for less than fifty (50) *person*s regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* for observation by patrons therein.

ADULT MATERIAL: Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* as defined herein.

***ADULT MATERIAL* IN STOCK OR TRADE, SUBSTANTIAL OR SIGNIFICANT**: Shall be defined as an *adult oriented establishment* having more than twenty-five (25) percent of its stock or trade devoted to *adult material* as defined herein.

ANATOMICAL AREAS, SPECIFIED:

a. Less than completely and opaquely covered:

    1. Human genitalia and pubic region;
    2. Buttocks, anus; or
    3. Female breast below a point immediately above the top of the areola.

b. Human genitalia in a discernibly turgid state, even if completely and opaquely covered.

ANIMATED SIGN[2]: means a sign which includes action, motion or color changes, or the optical illusion of action, motion or color changes, including signs set in motion by a control mechanism or the atmosphere. Animated signs shall also include signs made up of a series of sections, panels, or faces that turn or rotate.

ANTENNA[3]: Any device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennae, panel antennae and dish antennae.

AREA OF SHALLOW FLOODING: A designated AO or VO Zone on the *Flood Insurance Rate Map (FIRM*). *Base flood* depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of *flooding* is unpredictable and indeterminate, and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one (1) percent or greater chance of *flooding* in any given year.

ASSISTED LIVING FACILITY[4]: A managed residential development that is restricted, to the extent allowed by State and Federal law, to persons who are 55 or more years of age or disabled, and provides residents three meals per day, personal care services, transportation, housekeeping services, and other assistance with activities of daily living, so that they may maintain a maximum level of independence.

BACK-UP SYSTEM: A conventional energy system used to supplement the output of the solar system and/or to provide energy if the solar system is inoperable for any reason.

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[2] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 14, 2010*
[3] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997*
[4] *Amendment to Article II: General Provisions, Section 200. Effective Date: February 3, 2016*

BASE FLOOD: The *flood* having a one (1) percent chance of being equaled or exceeded in any given year.

BERM: A man-made mound or small hill of earth.

BUILDING: Any structure intended for the shelter, housing or enclosure of any individual, livestock, process, equipment, goods or materials of any kind or nature.

BUILDING LINE: A line on a *lot* or parcel of land establishing the minimum setback for *building*s and/or *structure*s from a *street line*.

CANOPY, FREESTANDING[5]: Means a rigid *structure* covered with fabric, metal or other material and supported by columns or posts anchored to the ground. This definition does not include fabric tent/s used as temporary *structure/s* for not more than twenty days in a calendar year.

CANOPY, ATTACHED BUILDING[5]: Means a rigid *structure* covered with fabric, metal, or other material and supported by a *building* at one or more points or extremities and by columns or posts anchored to the ground. This definition does not include fabric tent/s used as temporary *structure/s* for not more than twenty days in a calendar year, or awnings attached entirely to the principle building.

CATERER: A business engaged in organizing and/or providing food and beverages and materials primarily for scheduled functions such as parties, weddings, receptions, etc. Such businesses may also be engaged in providing facilities, commonly known as *catering hall*s, in which such functions may be held.

CATERING HALL[6]: A business engaged in providing for scheduled group functions which include full food service for such functions in the same manner as further defined in "*Restaurant/Eating Establishment*," and may include preparation of meals for consumption off premises.

CATERER, MOBILE: A business engaged in providing food, beverages and materials in a cargo situation.

CHANGING SIGN[1]**:** means a sign that is capable of changing the position or format of letters, words, pictures, symbols, messages, graphics or other displays of the sign face. Or that can change the visible display of letters, words, pictures, symbols, messages, graphics or other displays on the sign face, by the use of electronic lamps, moveable parts, sections or panels, light apertures or other methods, and any such changes are made by use of an electronic or mechanical control mechanism, or the atmosphere, rather than being made manually on the face of the sign.

CO-LOCATION[7]: Wireless communication facilities from more than one provider located on a single site.

COMMERCIAL RECREATION: Any form of diversion or a mode of diversionary play/amusement for profit.

COMMERCIAL RECREATION, INDOOR: Any form of *commercial recreation* that is primarily located and conducted indoors.

COMMERCIAL RECREATION, OUTDOOR: Any form of *commercial recreation* that is primarily located and conducted outdoors.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICE:[8]: A licensed commercial wireless telecommunication service, including cellular, personal communication service (P.C.S.), specialized mobilized radio (S.M.R.), enhanced specialized mobilized radio (E.S.M.R.), paging and similar services that are marketed to the general public. Commercial wireless telecommunications services shall not include fixed wireless facilities.

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[5] *Amendment to Article II: General Provisions, Section 200. Effective Date: January 4, 2001*
[6] *Amendment to Article II: General Provisions, Section 200. Effective Date: May 5, 1999*
[7] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997*
[8] *Amendment to Article II: General Provision, Section 200. Effective Date: September 1, 2000*

COMMERCIAL WIRELESS TELECOMMUNICATION SITE[7]: A facility operated by a licensed commercial wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electro-magnetic waves associated with wireless telecommunication services.

CONVENTION AND EXPOSITION CENTER[9]**:** A facility having a total ground floor building area of not less than one hundred ten thousand (110,000) square feet and designed and used for conventions, conferences, seminars, product displays, recreation activities and entertainment functions, along with temporary outdoor displays, and food and beverage preparation and service for on-premise consumption, This term does not include banquet halls, clubs, lodges or other meeting facilities of private, non-profit groups that are primarily used by group member.

DISPENSARY FACILITY[10]**:** Means a place or business where *marijuana* may be dispensed or sold at retail to qualifying patients and primary care givers and for which the State of Connecticut Department of Consumer Protection has issued a *dispensary facility* permit to an applicant under Sections 21s-408 through 21-408q of the Connecticut General Statues and Section 21a-408-14 of the Regulations of Connecticut State Agencies.

DONATION DROP-OFF BOX[11]: Any container, storage receptacle or *structure*, other than an accessory building or shed complying with all building codes and land use requirements that can or is used for the temporary holding of charitable, not for profit, donations on a *lot* with an established principle use.

DWELLING UNIT: A *building* or part of a *building* providing complete housekeeping facilities for one (1) *family*.

EDUCATIONAL GROUP CARE FACILITY: A supervised residence facility that houses no more than twelve (12) *person*s who require and are in the process of receiving special education under the mandates of the Special Education Law of the State of Connecticut and who are to be provided with services to meet their educational needs at an educational facility.

ELECTRONIC MESSAGE CENTER (EMC) SIGN: Means a sign whose display area is comprised of light emitting devises. The display area can be controlled remotely or set to operate on a predetermined schedule and shall have photosensitive equipment that automatically adjusts the brightness of the sign to ambient light conditions and also have a manual brightness control. This definition does not include electronically changed digital billboard as per section 210.6(I) and Section 30(c) (Billboard Sign/Sign Ordinance).

EROSION: The detachment and movement of *soil* or rock fragments by water, wind, ice and gravity.

EXCAVATE: To dig, remove; to deposit; to place and to fill; to grade, regrade, level or otherwise alter or change the location or contour; to transport and to supply. (See Exemptions as set forth in more detail in Section 218)

EXCAVATOR: Any *person*, firm or corporation, partnership or association engaged in the moving, removal or excavation, or filling of *soil* or *topsoil* from, in or upon any land in the Town.

EXTENDED-STAY HOTEL[12]**:** Any structure consisting of one or more buildings with more than five (5) dwelling units with provisions for living, eating, cooking, sanitation, and sleeping, that is specifically constructed, kept used, maintained, advertised, and held out to the general public to be a place where temporary residence is offered for pay to persons for a maximum stay of seven (7) days within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the Director of Permits and Inspections as having all the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as extended stay dwelling units, and that is approved by the fire marshal for extended stay purposes.

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[9] *Amendment to Article II: General Provision, Section 200. Effective Date: April 4th , 2013*
[10] *Amendment to Article II: General Provision, Section 200. Effective Date: December 3, 2013*
[11] *Amendment to Article II: General Provision, Section 200. Effective Date: August 10, 2011*
[12] *Amendment to Article II: General Provisions, Section 200. Effective Date:* July 14, 2010

FAMILY: Individuals living together as a single, non-profit housekeeping unit occupying a *dwelling unit* that has complete housekeeping facilities.

FIXED WIRELESS FACILITY[13]: A wireless communications antenna and related equipment limited to transmission and receipt of communications services to and from fixed points by incumbent and competitive local telephone exchange carriers, operating in a frequency range between 18 and 24 GHz.

FLASHING SIGN[1]**:** means a sign in which the illumination or color is not kept stationary or constant in intensity at all times when in use, or which exhibits sudden or marked changes in lighting effects.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters and/or
b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special *flood* hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes *flood* profiles, the Flood Boundary-Floodway Map, and the water-surface elevation of the *base flood*.

FLOOD-PROOFED: Watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the *base flood* without cumulatively increasing the water-surface elevation more than one (1) foot.

FLOOR AREA, GROSS: Gross *floor area* shall be the floor area within the perimeter of the outside walls of the *building* under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

FUEL PRICE SIGN[1]**:** means any sign whose only function is the display of information about the current price of gasoline associated with a bona fide automobile filling station.

GARAGE, COMMERCIAL: Any garage available to the public, operated for gain, used for storage of automobiles and/or other motor vehicles.

GARAGE, REPAIR: Any *building premises* and land in which or upon which a business involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GRADING: Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its *excavate*d or filled condition.

GROSS BUILDING FLOOR AREA, GROSS LEASABLE/RENTABLE AREA: The total area of all floors and levels of a *building* as measured to the outside surfaces of exterior walls including halls, stairways, and elevator shafts.

HABITABLE FLOOR: Any floor usable for living purposes including working, sleeping, eating, cooking or recreation, or a combination thereof. A floor intended only for storage purposes is not defined as a *habitable floor*.

HEALTH OFFICER: The Director of Health or duly authorized agent.

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[13] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 1, 2000*

HEIGHT, BUILDING: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the average curb level if the *building* is not more than ten (10) feet from the *lot line* or from the average surrounding grade in all other cases (refer to East Hartford Design Manual).

HEIGHT OF TOWER[14]: The distance from the average ground elevation to the uppermost point of the tower including any antenna or other appurtenances.

HOME OCCUPATION: An *accessory use* customarily conducted entirely within a *dwelling unit* by the residents thereof only. The use must be clearly secondary to the use of the *dwelling unit* for living purposes and not change the residential character thereof and not have any exterior evidence of such secondary use.

HOTEL: A *building* providing lodging for *person*s, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby or corridor. No room offered for rent shall have kitchen or cooking facilities.

HOUSE OF WORSHIP[15]: A building or structure owned, operated, maintained and/or used by a duly amalgamated religious organization in which people regularly congregate primarily to participate in or hold religious services, worship, religious training or education, or meetings or other activities related to religious expression.

HOUSING FOR SENIOR CITIZENS: A *building* or group of *building*s containing dwellings which the occupancy of the dwelling by *person*s *fifty-five* (55) years of age or older or couples where either spouse is fifty-five (55) years of age or older. The housing must be self-contained and physically accessible to elderly citizens.

IMPERVIOUS COVERAGE: Any material that reduces sub-surface infiltration of water and increases the volume of storm water runoff including, but not limited to: buildings, parking areas and driveways regardless of surface material, all walkways regardless of surface materials, all equipment pads and platforms, etc.

INCIDENTAL USE: A use that is customary in the case of a permitted use and incidental to it.

JUNKYARD: Any land or *building* used in whole or in part for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or other similar material and including an automobile *junkyard* as defined by state law, but not including Town refuse disposal areas or Town transfer stations.

LANDSCAPING: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by *grading*, as well as preserving the original natural vegetation or adding vegetation.

LIVABLE FLOOR AREA: The floor area of a *dwelling unit* finished for occupancy. In computing total *livable floor area*, habitable rooms, halls, and closets shall be included. The following shall not be included: utility rooms, garages; open or closed outside vestibules, porches, verandahs, or breezeways; bay windows; public stairways and hallways. *Livable floor area* shall be computed from the outside of finished outside walls.

LIVESTOCK: Animals of any kind, raised and/or maintained for sale, resale or agricultural field production. The keeping of common household pets such as dogs, cats and the like for non-commercial purposes shall not be considered as the keeping of *livestock*.

LOT: A parcel of land whose boundaries have been established by an approved subdivision/resubdivision in accordance with Section 8-18 of the General Statutes of Conn., Revision of 1958, as amended, by means of a legal instrument, such as a recorded deed, that is recognized as a separate legal entity for purposes of transfer of title. The parcel of land must also be under the same ownership and be occupied, or capable of being occupied, by one (1)

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[14] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997*
[15] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

principal *building* and the *accessory building*s or uses customarily incident to it including such *yard*s and open space as are required by these regulations. In the case of public, institutional, *multiple-family*, commercial or industrial *building*s, a group of *building*s under the same ownership may be considered as occupying the same *lot* (refer to East Hartford Design Manual).

LOT AREA: The area of land contained within the property lines of a *lot* including the area of any easement, but excluding any area within existing or designated future *street* right(s)-of-way (refer to East Hartford Design Manual).

LOT, CORNER: A *lot* at the junction of and fronting on two (2) or more intersecting *street*s that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) *street line*s (refer to East Hartford Design Manual).

LOT COVERAGE: The percentage of the total *lot area* that may be covered by the aggregate *building* area of all *building*s on the *lot* (refer to East Hartford Design Manual).

LOT DEPTH: The mean distance from the *street line* of the *lot* to its *rear lot line* measured in the general direction of its *side lot line*s (refer to East Hartford Design Manual).

LOT FRONTAGE: The distance between *side lot line*s of a *lot* measured along the front *street line* of a Town accepted *street* (refer to East Hartford Design Manual).

LOT, INTERIOR: A *lot* other than a corner or *through lot* (refer to East Hartford Design Manual).

LOT, LEGAL BUILDING: A *lot of record* that meets all the requirements of these regulations for the zoning district within which it is located.

LOT LINE: The boundary of a *lot* that divides it from another *lot* or from a *street*, except in the case of rear *lot*s approved by the Town Planning and Zoning Commission (see below).

LOT LINE, FRONT: The line separating the *lot* from the *street* (refer to East Hartford Design Manual).

LOT LINE, REAR: That *lot line* opposite or most nearly opposite to the *front lot line* (refer to East Hartford Design Manual).

LOT LINE, SIDE: Any *lot line* not a front or *rear lot line* (refer to East Hartford Design Manual).

LOT, NONCONFORMING: A *lot* that lawfully existed prior to the adoption, revision or amendment of these regulations but that fails by reason of such adoption, revision or amendment to conform to the zone in which it is located.

LOT OF RECORD: A *lot* that exists prior to the adoption of subdivision regulations as shown or described on a plat or deed filed in the records of the Town Clerk.

LOT, THROUGH: A *lot* other than a *corner lot* having frontage on two (2) parallel or approximately parallel *street*s (refer to East Hartford Design Manual).

LOT WIDTH: The distance between the *side lot line*s measured in a straight line at right angles to the mean direction of such *side lot line*s, which line of measurement shall touch but not be in front of the *building line*. In the case of a *corner lot*, the *street line* that has the least dimension shall be considered to be the *front lot line* and the *lot line*s adjacent thereto shall be considered to be the side *lot*s (refer to East Hartford Design Manual).

MARIJUANA[16]: Means marijuana as defined in Section 21a-240 of the Connecticut General Statues.

[16] *Amendment to Article II: General Provision, Section 200. Effective Date: December 3, 2013*

MARIJUANA PRODUCTION FACILITY[17]: Means a building or structure that is secure, indoor facility where the *production* of *marijuana* occurs and that is operated by a person to whom the State Department of Consumer Protection has issued a producer license under Section 21a-408 through 21a-408q of the Connecticut General Statues and Sections 21a-408-20 of the Regulations of Connecticut State Agencies.

MARIJUANA PRODUCTION OR PRODUCE[18]: Means the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis, and includes any packaging or repackaging of the substance of labeling or re-labeling of its container.

MAJOR RECREATIONAL EQUIPMENT shall include the following*:*

a. **Travel Trailer -** a vehicular portable *structure* built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified "travel trailer" by the manufacturer of the trailer.

b. **Pickup Coaches (Camper) -** A *structure* designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.

c. **Motorized Dwelling (Home) -** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

d. **Tent (Camping Trailer) -** A fabric folding *structure* mounted on wheels and designed for travel use.

e. **Auto Camper -** A lightweight unit that fits on top of a vehicle designed primarily for recreational use.

f. **Aquatic and Off-Road Vehicles** - Include boats, ski mobiles, dune buggies, amphibious vehicles, dirt bikes, and the like including trailers, cases, or boxes used for transporting such vehicles to point of use.

MARINA: A facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat *owner*s, crews and guests.

MASSAGE THERAPY ACCESSORY USE[19]**:** The provision of accessory services of massage therapy business as defined and regulated under C.G.S. Sec. 20-206a through 20-206g and further regulated and enforced by the State of Connecticut Department of Public Health.

MOBILE HOME: A factory-built, single-*family structure* that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation with a means to connect to water, sanitary and electric facilities but that is constructed with a permanent hitch or other device allowing transport of the unit, other than for the purpose of delivery to a permanent site, and which has wheels or axles permanently attached to its body or frame. For the purposes of this definition, "*mobile home*/manufactured home" meets all federal regulations and shall be used interchangeably. Notwithstanding the foregoing, any *mobile home* in existence and presently occupied within the town which met the definition of "*mobile home* set forth in the zoning regulations in effect prior to the effective date of these regulation shall be considered a "*mobile home*" within this definition.

MOBILE HOME PARK: Any site or tract of land upon which seventy-five (75) or more *mobile home*s for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such service, or any site or tract of land designated for such purposes.

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[17] *Amendment to Article II: General Provisions, Section 200. Effective Date: December 3, 2013*
[18] *Amendment to Article II: General Provisions, Section 200. Effective Date: December 3, 2013*
[19] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 2, 2015*

MOBILE HOME PARK SUBDIVISION, EXISTING: A parcel of land under single ownership that has been planned and improved for the placement of *mobile home*s for dwelling purposes.

MOBILE HOME SPACE: A plot of ground within a *mobile home park* designed for the accommodation of one (1) *mobile home* in accordance with these regulations.

MODIFICATION: Any change of a site plan from that plan brought in for initial review by an applicant and approved by the Commission, and as may be further modified by minor field adjustments as authorized by the Town Engineer. Such change incorporates all implemented aspects of the approved site plan as recommended by the Town Engineer, the Town Planner, the Director of Development, the Fire Marshal, the Police Chief, the Director of Inspections and Permits, the Director of Health, the Director of Public Works, the Corporation Counsel, and/or their authorized agents, and the Design Review Committee, as well as all changes requested or required by the Planning and Zoning Commission. When each plan is brought in for initial review, it will be stamped with the following: "This plan has been submitted to the Planning and Zoning Commission, and any *modification*s of this plan are subject to bonding in accordance with Section 706 of the zoning regulations".

MOTEL: A *building* that provides lodging for *person*s, with or without accessory restaurant facilities, and intended, designed, and used primarily for the accommodation of transients in which each room offered for rent shall have no kitchen or cooking facilities, and so designed that access to the room is direct from the out-of-doors. "*Motel*s" shall also include "motor *hotel*".

MULTI-DISCIPLINED BEAUTY SALON/HEALTH SPA BUSINESS[20]: An establishment with a minimum floor area of two-thousand five hundred (2,500) square feet comprised of or combining several usually separate areas of cosmetology expertise consisting of but not limited to nail specialists, cosmetologists, facial specialists, full specialists, hair stylists, hair braiders, hair wrappers, and body wrappers.

MULTIPLE-*FAMILY* DWELLING: A dwelling containing four (4) or more *dwelling unit*s.

NET BUILDING FLOOR AREA: The total area of all floors of a *building* as measured to the inside surfaces of interior walls excluding common halls, stairways and elevator shafts.

NET LEASABLE/RENTABLE AREA: The total area of all floors of a *building* as measured to the inside surfaces of interior walls excluding common halls, stairways and elevator shafts.

NONCONFORMING LOT: SEE LOT, NONCONFORMING

NONCONFORMING USE: Any use of land or *building*s that is not permitted by any provision of these regulations (including previously approved special permits) for the district in which such use is covered, but that was legally in existence at the effective date of any such provision or any amendment thereto.

NON-PROFIT ORGANIZATION: An organization which qualifies as a non-profit enterprise under applicable state and/or federal law.

OUTDOOR RESTAURANT DINING FACILITIES "PERMANENT"[21]: Any outdoor seasonal dining area comprised of a permanent dedicated area associated with a *restaurant/eating establishment*, in which customers are served their food, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed. The food, frozen desserts, or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. Customers are not expected to clear their trash.

OUTDOOR RESTAURANT DINING FACILITIES "TEMPORARY SEASONAL"[22]: Any outdoor seasonal dining area associated with a *restaurant/automobile oriented use* or *restaurant/eating establishment* as an *accessory*

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[20] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 2, 2015*
[21] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*
[22] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

use, provided such area is less than 25% of the *gross floor area* of the restaurant and whose design or principle method of use includes both or the following characteristics:

a. Dining facilities consisting of weather resistant outdoor furniture, which is not located on a deck, patio, dock or any other permanent roofed or unroofed *structure*.

b. Food, frozen desserts, beverages are usually served over a general service counter for the customer to carry to an outdoor seasonal seating area, customers generally are expected to clear their own tables and dispose of their trash.

This definition does not include retail grocery stores, convenience stores, catering halls, or other businesses selling food or beverages as a clearing *accessory use* or specialty retail food establishments without drive-in windows.

OWNER: Any *person*, firm, association, syndicate, partnership or corporation having such other interest or estate therein as will permit the exercise of effective possession thereof or dominion or control there over.

PARAPHERNALIA[23]: Means drug paraphernalia as defined in Section 21a-240 of the Connecticut General Statues.

PARKING SPACE: The area required for parking an automobile, not including passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a *street* or alley (refer to East Hartford Design Manual).

PASSIVE SOLAR SYSTEM: A system that uses direct heat transfer from thermal mass instead of mechanical power to distribute collected heat. Passive systems rely on *building* design and materials to collect and store heat and to create natural ventilation for cooling.

PERSON: Any individual, firm, association, partnership, *owner*, corporation, lessee or licensee.

PREMISES: All land comprising a *lot* and including all *building*s and uses located on the *lot*.

PUBLIC STORAGE[24]: Interior storage spaces for rental to the general public in discrete cubicles not less than twenty (20) square feet nor more than five hundred (500) square feet in area.

RESTAURANT/AUTOMOBILE ORIENTED USE: An establishment which provides as a principal use the sale of food or beverages in a ready-to-consume state for consumption, within a motor vehicle, or off-*premises*, and the design or principal method of operation of which includes one (1) or more of the following characteristics:

a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.

b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-*premises*. If consumed on *premises*, customers generally are expected to clear their own tables and dispose of their trash.

c. Forty-five (45) percent or more of the *gross floor area* of the establishment is devoted to food preparation, storage and related activities and is not accessible to the general public.

d. Food, frozen desserts, or beverages are served to the occupants of a motor vehicle while seated therein such as through a drive-in window.

This definition does not include retail grocery stores, convenience stores, catering halls[25], or other businesses selling food or beverages as a clearly *accessory use* or for off-*premises* preparation or specialty retail food establishments

[23] *Amendment to Article II: General Provisions, Section 200. Effective Date: December 3, 2013*
[24] *Amendment to Article II: General Provisions, Section 200. Effective Date: January 12, 2005*

without drive-in windows. Moreover, for the purposes of this regulation a *restaurant /automobile oriented use* shall not be deemed a *restaurant/eating establishment*.

RESTAURANT/EATING ESTABLISHMENT: Any establishment which provides as a principal use, the sale of food, frozen desserts, or beverages intended for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

a. Customers are served their food, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.

b. The food, frozen desserts, or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. Customers are not expected to clear their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are generally consumed within the establishment and served on non-disposable plates or containers, and non-disposable eating utensils are provided shall be deemed an eating establishment.

Restaurant/eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment.

REVOLVING SIGN[26]: or rotating sign means any sign that revolves or rotates, by use of a control mechanism or the atmosphere.

ROOMING HOUSE: A *building* arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-*family* dwelling or a two-*family* dwelling.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

SEDIMENT: Solid material, either mineral or organic that is in suspension is transported, or has been moved from its site of origin.

SERVICE ESTABLISHMENT: Establishment primarily engaged in commercial activities that sell or purchase specialized private services in a financial transaction that does not produce any tangible commodity such as, but not limited to, barber shop/dry-cleaning, excluding adult entertainment, as defined in these regulations and excluding auto service and repair.

SERVICE ESTABLISHMENT "COMMERCIAL"[27]: An establishment other than a Service Establishment "Personal" tier (I) and tier (II) as defined in these regulations primarily engaged in commercial activities that sell or purchase specialized private services in a financial transaction that does not produce any tangible commodity excluding Adult Oriented Establishment and auto service and repair, as defined in these regulations.

SERVICE ESTABLISHMENT "PERSONAL"[28]: Any establishment primarily involved with the provision of personal care or other service directly to the ultimate consumer on a one to one basis as walk-in trade or by appointment.

a. **Tier (I) Service Establishments "Personal"** – Tier (I) personal service establishments include but are not limited to veterinarian facilities, tailors, multi-disciplined beauty salon/health spa business, dressmakers, dry cleaning or laundry pickup stations, express mail/couriers, pet grooming establishments, shoeshine and shoe repair shops, shops for repairs or adjustments to appliances, watches, locks, and similar small items.

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[25] *Amendment to Article II: Addition of Catering Halls to Restaurant/Automobile Oriented Use definition, General Provisions, Section 200. Effective Date: May 4, 1999*
[26] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 14, 2010*
[27] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 2, 2015*
[28] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 2, 2015*

b. **<u>Tier (II) Service Establishments "Personal"</u> –** Tier (II) personal service establishments include but are not limited to beauty salons, tanning salons, nail salons, barber shops, check cashing facilities, same day payday advance loan facilities, pawn shops, professional cuddling services facility, fortune tellers and psychics, tattoo and/or body piercing parlors, laundromats, multi-level marketing business/network marketing/referral marketing facilities.

Purpose: To regulate the concentration of Tier (II) Service Establishments "Personal", which by its nature or relationship to surrounding land uses has the ability to create health or safety issues or cause depressed property values or have other detrimental effects. The reasonable regulation of such Tier (II) Personal Service Establishments promotes the health, safety and welfare of patrons, clients and customers of such establishments.

SETBACK: The required minimum horizontal distance between the *building lines* and the related front, side or rear property lines (refer to East Hartford Design Manual).

SEXUAL ACTIVITIES, EXCLUSIONS: As used in these regulations, this term is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude *person*s in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude *person*s when describing cultures in which nudity or semi-nudity is indigenous to the population.

SEXUAL ACTIVITIES, SPECIFIED:

a. human genitalia in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy; or

c. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breasts.

SHOPPING CENTER/MALL: A *lot* containing not less than five (5) retail stores that is under single ownership and/or control, including single leasehold interest, having a total ground floor *building* area of not less than eighty thousand (80,000) square feet, a total *lot area* containing not less than three hundred twenty thousand (320,000) square feet, and immediate adjoining off-street parking facilities for not less than four hundred (400) automobiles.

SIGN: Any device for visual communication used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag or insignia of any government or religious agency or of any fraternal, civic, charitable or religious organization.

SIGN, ADVERTISING (BILLBOARD): A *sign* that directs attention to a business, product, service or activity not conducted, sold or offered upon the *premises* where such *sign* is located.

SIGN, BUSINESS: A *sign* advertising a business, product, service, activity or entertainment conducted, sold or offered upon the *premises* where such *sign* is located and where reference to any name brand is clearly secondary and incidental to the business, product, service activity or entertainment so offered.

SIGN, WINDOW: A *sign* painted, stenciled or affixed on a window.

SOIL: Any earth, sand, clay, loam, gravel, humus, rock, or dirt, irrespective of the presence or absence therein of organic matter; any unconsolidated mineral and organic material of any origin.

SOIL-EROSION AND SEDIMENT-CONTROL PLAN: A scheme that minimizes *soil erosion* and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas proposed area alteration and the location of and detailed information concerning *erosion* and *sediment* measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any *erosion*- and *sediment*-control facilities that are installed.

SOLAR ACCESS: Access that protects solar energy collection areas from being blocked or shadowed from direct sun exposure between the hours of 10:00 A.M. and 2:00 P.M.

SOLAR COLLECTOR: A device or combination of devices or parts of a device or *structure* that require access to sunlight to transform direct solar energy into thermal, mechanical, chemical, or electrical energy that will contribute significantly to the *structure*'s energy supply. To be utilized in a cost effective manner, the collector should be oriented to within twenty-two and one-half (22.5) degrees true south.

SOLAR GREENHOUSE: A mainly transparent *structure* that permits maximum collection of diffuse sky radiation. A greenhouse is optimally orientated on an east-west axis, the south-facing roof being transparent and the north-facing wall being insulated with a reflective cover on the interior face. Greenhouse glass allows virtually all the visible solar radiation striking its surface to pass through, and materials inside a greenhouse will absorb the thermal energy and re-radiate the absorbed energy inside the enclosed space.

SOLAR RETROFIT: The addition of materials and/or devices to an existing *building* to provide energy from solar collection.

START OF CONSTRUCTION: The first placement of permanent construction of a *structure* (other than a *mobile home*) on a site such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation such as clearing, *grading*, and filling, nor does it include the installation of *street*s and/or walkways; excavation for a basement, footings, piers or foundations or erection of temporary forms; the installation on the property of *accessory building*s such as garages or sheds not occupied as *dwelling unit*s or not as part of the main *structure*. For a *structure* (other than a *mobile home*) without a basement or poured footings, the "*start of construction*" includes the first permanent framing or assembly of the *structure* or any part thereof on its piling or foundation. For *mobile home*s not within a *mobile home park* or *mobile home* subdivision, "*start of construction*" means the affixing of the *mobile home* to its permanent site. For *mobile home*s within *mobile home park*s or *mobile home* subdivisions, "*start of construction*" is the date on which the construction of facilities for servicing the site on which the *mobile home* is to be affixed (including, at a minimum, the construction of *street*s, either final site *grading* or the pouring of concrete pads, and installation of utilities) is completed.

STORY: That portion of a *building* included between the upper surface of a floor and the upper surface of the floor or roof next above.

A mezzanine shall be deemed a full *story* when it covers more than thirty-three (33) percent of the area of the *story* underneath said mezzanine.

For the purpose of these regulations, a basement or cellar shall be counted as a *story* if its ceiling is more than five (5) feet above the level from which the height of the *building* is measured or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same *building*, including the *family* of the same.

STORY, GROUND: The lowest *story* of a *building* the floor of which is not more than twelve (12) inches below the level of the lowest abutting exterior finished grade.

STORY, HALF: The part of a *building* between a pitched roof and the uppermost full *story*.

STREET: Any thoroughfare or public way other than an alley that has been accepted by the Town or the State and is not less than twenty-five (25) feet in width and gives access to *lots*. "*Street*" shall be deemed to include the entire width of the right-of-way.

STREET LINE: The dividing line between the *street* and a *lot*.

STRUCTURE: That which is built or constructed.

SUBSTANCE ABUSE TREATMENT FACILITIES[29]**:** Any *structures* or land used for the care or treatment of persons suffering from alcoholism or other drug addiction.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a *structure*, the cost of which equals or exceeds fifty (50) percent of the market value of the *structure* either:

a. Before the improvement or repair is started, or

b. If the *structure* has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "*substantial improvement*" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the *building* commences, whether or not that alteration affects the external dimensions of the *structure*.

The term does **not**, however, include either:

a. Any project for improvement of a *structure* to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure living conditions, or

b. Any alteration of a *structure* listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL: A pool used for swimming or bathing having a depth of twenty-four (24) inches or more or any pool permanently equipped with a water recirculating system or involving structural materials.

TIME AND TEMPERATURE SIGN[1]**:** means any sign whose only function is the display of information about current time and/or temperature.

TOPSOIL: *Soil* that in its natural state constitutes the top layer of earth, is composed of two (2) percent or more by weight of organic matter and has the ability to support vegetation.

TOWER[30]: A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves or other purpose. Design examples of towers include, but are not limited to, self-supporting lattice, guyed and monopole.

TRUCK GARDEN: The raising of vegetables for sale either at wholesale or retail.

TRUCK TERMINAL[31]: A *structure* or land used or intended to be used primarily to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate the transportation of such goods or chattels or for truck or truck-trailer parking or storage. A trucking terminal may include as an *accessory use* only facilities for trucking personnel, facilities for the service or repair of proprietor trucks only, or third party trucks associated with the trucking terminal as allowed by the permitted zone and necessary space for the transitory storage of goods or chattels. The term "*Truck Terminal*" includes facilities for the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but does not include a *warehouse* as defined herein or moving and storage establishment. Land used for the parking,

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[29]*Amendment to Article II: General provisions, Section 200. Effective Date: August 13, 2003*
[30] *Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997*
[31] *Amendment to Article II: General Provisions, Section 200. Effective Date: May 4, 1999*

storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part of shall not be considered a trucking terminal within the meaning of this definition. As used in this definition, the terms “trucks”, “truck-trailers”, and “truck tractors” do not include any vehicle whose maximum gross weight is ten thousand (10,000) pounds or less, as rated by the State of Connecticut Department of Motor Vehicles.

TRUCK TERMINAL, CLASS I: A trucking facility of ten (10) acres or more whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate the transportation of such goods or chattels.

TRUCK TERMINAL, CLASS II: A trucking facility other than a Class I Trucking Terminal, including a truck *yard*, the primary propose of which is to accommodate the parking or storage of trucks, truck trailers, or truck tractors.

UTILITY TRAILER: A vehicle designed to be towed by an automobile or small truck excluding trailers built to be towed by tractor trucks.

VARIANCE: A grant of relief by the Zoning Board of Appeals from the requirements of the ordinance that permits construction and/or use in a manner that would otherwise be prohibited by this ordinance.

WAREHOUSE: A *building* used primarily for storage of goods and materials provided such storage is in compliance with Connecticut Fire Safety Code Chapter 541 as amended, Federal Occupational Standard 1910.1200 as amended, Environmental Protection Agency Emergency Planning and Community Right to Know Act of 1986 as amended, and Department of Transportation Code of Federal Regulation 49 as amended.

WATER WALL: An interior wall of water-filled containers, constituting a one-step heating system that combines collection and storage.

WORK STUDIO/DWELLING: A combination work place and *dwelling unit* for artists consisting of one (1) or more floors which are arranged and designed and used as a *dwelling unit* with lawful sanitary facilities and including adequate working space for the *person*s residing therein.

YARD: A space not occupied by a principal *building* or *accessory building*s, as permitted herein, open to the sky on the same *lot* as the principal *building*.

YARD, FRONT: An open space extending across the full width of the *lot* and lying between the front line of the *lot* (the *street line*) and a parallel line known as the *building line* at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual).

YARD, REAR: An open space extending across the full width of the *lot* and lying between the *rear lot line* of the *lot* and a parallel line known as the *building line* at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual).

YARD, SIDE: A *yard* between the *side lot line* of the *lot* and a parallel line at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual)

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Section 201 Application of Zoning Regulations

No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

Section 202 Lots Lying in More Than One Zone

In the event that one (1) contiguous parcel of land under common ownership as of the effective date of these regulations shall lie in two or more zones, a less restrictive use may be permitted by the Commission on a special permit use basis to extend into a more restrictive zone a distance of not more than one hundred (100) feet in depth, limited in extension. This extension privilege shall not apply to property the frontage of which is located in a Business or Residential Zone and that has a frontage width greater than two hundred (200) feet.

Section 203 Buffer Strips

203.1 Buffer Strips – Industrial 2, Industrial 3

In any Industrial Zone where the premises are occupied by a building or other use and abuts a Residential Zone, there shall be a fifty (50) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (Refer to East Hartford Design Manual):

a. Any building in an Industrial 3 (I-3) Zone measuring over fifty (50) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over fifty (50) feet in height,

b. Any building in an Industrial 2 (I-2) Zone measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
I-2	50 Feet	25 Feet
I-3	50 Feet	50 Feet

203.2 Buffer Strips: Business 1, Business 2, Business 4, and Business 6

In any zone designated Business I (B-1), Business 2 (B-2), Business 4 (B-4), or Business 6 (B-6) where the premises are occupied by a building or other use and abuts a Residential Zone, there shall be a fifteen (15) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (Refer to East Hartford Design Manual):

a. Any building in a Business 1 (B-1) or Business 6 (B-6) Zone measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five feet in height,

b. Any building in a Business 2 (B-2) Zone measuring over fifty (50) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over fifty feet in height,

c. Any building in a Business 4 (B-4) Zone measuring over one hundred five (105) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over one hundred five (105) feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
B-1	15 Feet	25 Feet
B-2	15 Feet	50 Feet
B-4	15 Feet	105 Feet
B-6	15 Feet	25 Feet

203.3 Buffer Strips – Business 3

In any zone designated Business 3 (B-3) where said premises are occupied by a building or other use and abuts a Residential Zone, there shall be a twenty-five (25) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (refer to East Hartford Design Manual):

a. Any building measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five (25) feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
B-3	25 Feet	25 Feet

203.4 Buffer Strips – Residential

In any zone designated residential where the use requires a special permit, there shall be fifteen (15) foot landscaped buffer strips.

In addition, subject to the provisions of 203.5. the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (refer to East Hartford Design Manual):

a. Any building measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five (25) feet in height.

203.5 Exemptions

a. Buildings which existed prior to March 15, 1997 and do not meet the additional height buffer requirements of Sections 203.1, 203.2 or 203.3 shall be exempt from the requirement of one (1) foot of setback from Residential Zones for every one (1) foot of height. Additions constructed to such existing buildings shall also be exempt from the one (1) foot setback for every one (1) foot of height requirement provided that said addition/additions do not encroach on any required base buffer strip at the time of the adoption of these regulations.

b. Additions to existing buildings that have been exempted in Section 203.5.a will be permitted provided the building's footprint or height causing the initial exemption will be the only exemption allowed. No additions will be permitted that would create the need for an additional exemption.

203.6 Lots Lying in more than one (1) zone

Where the zoning district boundary divides a lot as described in Section 202, the prescribed buffer strip shall be established at the lot line or at the edge of the permitted one hundred (100) foot extension in the Residential Zone.

Section 204 Access Through Residential Zone or Buffer Strip Prohibited

A private road, private driveway or other private vehicular way of access servicing a business or industrial use shall not be constructed through a Residential Zone or buffer strip.

Section 205 Nonconforming Uses

205.1 Continuances of *Nonconforming Uses*:

Any *nonconforming use* of land or *building*s lawfully existing at the effective date of these regulations or of any pertinent amendment thereto may be continued, and any *building* so existing that was designed, arranged, intended for, or is devoted to a *nonconforming use* may be structurally altered and the *nonconforming use* therein continued, all subject to the following requirements:

a. No *nonconforming use* shall, once changed to a conforming use, be changed again to a *nonconforming use*;

b. The area of any *nonconforming use* shall not be enlarged, nor shall it occupy a different portion of the *lot* than it did on the effective date of these regulations or any amendment thereto, nor shall it be changed in any manner to diminish any conforming use;

c. The Zoning Board of Appeals shall not grant any *variance*s that permit *nonconforming use*s to increase height, volume or intensity of any use, *building* or *structure* or to increase the density of development beyond that permitted by these regulations for any particular zone; and

d. The Planning and Zoning Commission by special permit under Section 207 may allow a change from one *nonconforming use* to another *nonconforming use*. The Planning and Zoning Commission shall determine whether the proposed use is similar to the existing use and whether the proposed use will have no greater of an impact upon the surrounding area than the existing use. The required parking and loading spaces shall be provided as if it were a permitted use.

205.2 Enlargement of Nonconforming *Buildings*

No *building* that is located on a *nonconforming lot* and/or that itself is nonconforming with respect to any requirement of these regulations shall be enlarged unless such enlarged portion conforms to the provisions of these regulations. No *nonconforming use* of a *structure* shall be extended to occupy land outside such *structure* or space within another *structure*.

205.3 Reconstruction of Nonconforming *Structures*

a. If any nonconforming *structure* shall be destroyed by fire or other casualty to an extent of more than fifty (50) percent of its replacement cost at the time of the casualty, such *structure* shall not be reconstructed or repaired unless the *structure* and use are made to conform in all respects to these regulations. Where the destruction is fifty (50) percent or less of its replacement value as determined above, the *structure* may be reconstructed or repaired, provided that such reconstruction is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from such casualty and to complete the same within twenty-four (24) months from such casualty, the right under this section to reconstruct or repair such nonconforming *structure* and the right to resume such *nonconforming use* shall be lost and terminated.

b. If the nonconforming *structure* is located in the Flood-Hazard Zone, the reconstruction will be permitted provided that the new *structure* complies with the provisions of Section 600 of these regulations.

205.4 Necessary Repairs Permitted to Nonconforming *Buildings*

Nothing in these regulations shall prevent the strengthening or restoration to a safe or lawful condition any part of a *building* or *structure* declared unsafe by the Director of Inspections and Permits, Fire Chief, or any duly authorized official.

Any *structure* located in an *area of special flood hazard* that sustains damage by any origin or is proposed to be altered, added to or renovated shall be subject to the more stringent requirements of the "s*ubstantial improvement*" definition contained in Article II - Definitions and Article VI—Special District Zoning Regulations.

Section 206 Change of Plans

Nothing in these regulations shall require any change in plans, construction or designed use of a *building*, the construction of which shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereof and that is diligently prosecuted to completion in accordance with the provision of the adopted building code.

Section 207 Special Permit Uses

207.1 Authority

In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant a special permit for the establishment of one (1) or more of the uses declared to possess such special characteristics that each shall be considered as an individual case, and approval or denial of any one (1) such use in a given district shall not be deemed as precedent setting for approval or denial of further applications.

207.2 Intent

While these zoning regulations are based upon the division of the Town into districts, within each of which the use of land and *structure*s and the bulk and location of *structure*s in relation to the land are substantially uniform, it is recognized that certain other uses and features could be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these regulations, such uses and features shall be treated as a special permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to other requirements of these regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case, and approval or denial of any one (1) such use in a given district shall not be deemed as precedent setting for approval or denial of further applications.

207.3 Planning and Zoning Commission Responsibilities

a. Special permits shall be granted only when the Planning and Zoning Commission finds, after public hearing, that the proposed use or the proposed extension or alteration of an existing use is in accord with public interest, convenience, and welfare after taking into account, where appropriate:

    1. The nature of the proposed site including its size and shape and the proposed size, shape and arrangement of *structure*s;

    2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

    3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;

4. The proximity of dwellings, *houses of worship*[32], schools, public *building*s, and of other places of public gatherings;

5. All standards contained in these regulations;

6. The Plan of Development for the Town of East Hartford and other expressions of the purpose and intent of these regulations; and

7. The possibility of inclusion of passive solar design or provisions for *solar access* or the protection of *solar access* into *multiple-family* proposals.

b. The Planning and Zoning Commission shall require that a plan of development for a proposed special permit use shall be submitted showing the location of all *building*s, parking areas, traffic access and circulation, open spaces, *landscaping* and other pertinent information that may be necessary in the opinion of the Commission to determine that the proposed special permit use is in harmony with the intent of these regulations, and that such special permit use is not likely to create traffic safety or congestion problems, or cause depressed values or have other detrimental effects on properties in the surrounding neighborhood. If the special permit is granted and the formal site plan is submitted for approval that differs in significant respects from the approved special permit prepared for the site during the special permit process, the Planning and Zoning Commission shall require the applicant to re-apply for the special permit.

207.4 Application Procedure and Requirements

a. Application for special permit use approval shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least thirty-four (34) days prior to the regularly scheduled or special meeting of the Planning and Zoning Commission during which the application is to be heard. Twenty (20) copies of the application shall be filed and shall contain the following information:

1. Address or location of subject parcel;

2. Size of subject parcel;

3. Zone of subject parcel;

4. Statement regarding how the proposed special use will relate to the adopted Plan of Development;

5. Statement regarding how the proposed special use will be of benefit to the Town of East Hartford;

6. Name, address, telephone number of petitioner(s);

7. Name, address, telephone number of *owner*(s);

8. Signature of *owner*(s);

9. Signature of petitioner(s); and

10. Names and addresses of all property *owner*s located within two hundred (200) feet of all the boundaries of the affected property according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating a two hundred (200) foot radius around the subject site.

[32] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

b. Accompanying the application form shall be:

1. A check made payable to the Treasurer, Town of East Hartford, in the amount established by the Town of East Hartford;

2. Twenty (20) copies of a vicinity map that shows the location of affected property boundaries and the surrounding area at least one-half (0.5) mile in all directions of said property;

3. Twenty (20) copies of a site plan prepared pursuant to Section 705;[33]

4. Special permit applications involving existing *structure*s where no exterior physical improvements are contemplated shall be exempt from the requirements of Section 207.4.b.3, but should provide a site plan to show existing conditions of the parcel.

c. The applicant shall submit additional information or material if required by the Planning and Zoning Commission.

d. Unless otherwise specified herein, a special permit use shall conform to the area, *yard*, *lot coverage*, floor area, and height restrictions of the zone in which it is located. Where two (2) or more special permit uses are applied for on the same *premises*, the minimum *lot area* shall be the total of the minimum requirements for each use as specified in these regulations.

e. Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.

f. One (1) additional copy of the petition and site plan shall be filed by the petitioner in the Town Clerk's office on or before the established application close-out date.

g. In no case in which a petitioner requires a change of zone for any portion of the land affected by the special permit use shall the petitioner make application for zone change to be heard at the same public hearing at which the special permit use application would be heard.

h. If the proposed special permit use requires a *variance* from the Zoning Board of Appeals, the applicant must be granted such approval before the public hearing on said special permit use application.

i. In the event that a special permit use has previously been approved for a specific site and said site is subsequently not occupied for approved use or is subsequently vacated, a new special permit application is required for the site if the proposed new use differs from that previously granted.

207.5 Additional Conditions and Safeguards

In granting any special permit, the Planning and Zoning Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, which may include, but is not limited to the following:

a. Requirement for *setback*s greater than the minimum required by these regulations;

b. Requirement for screening of parking areas or other parts of the *premises* from adjoining *premises* or from the *street* by walls, fences, plantings, or other devices as specified by the Planning and Zoning Commission;

c. *Modification* of the appearance of exterior features of any *structure* when deemed necessary to be in harmony with the surrounding area;

[33] *Amendment to Article II: Special Permit Uses, Section 207. Effective Date: March 30, 2016*

d. Limitation of size, number of occupants, methods or time of operation, or extent of facilities;

e. Regulation of number, design, and location of access drives or operation or extent of facilities;

f. Requirement for off-street parking or other special features beyond the minimum required by these regulations or other applicable codes or regulations;

g. Regulation of the number, type and location of outdoor lighting facilities;

h. Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these regulations may be accepted in whole or in part by the Planning and Zoning Commission and may be made additional requirements and conditions of the permit when granted; and

i. Requirement of demonstrating that passive solar and energy conservation techniques have been considered in the design of structure, structure orientation, street and lot layout, placement of vegetation, use of natural and man-made topographical features and protection of solar access within a development.

207.6 Required Public Notices for Special Permit Applications

No special permit use shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of such hearing (see Section 8-3c(b) of the Connecticut General Statutes).

The applicant shall display a sign or signs which indicate that an application for a special permit has been filed for the area on which the sign or signs have been posted. Said sign or signs shall be erected and maintained by the applicant wherever the parcel abuts each public or private street from the day that the notice of public hearing has been posted until the first secular day following the public hearing.

All requests for withdrawal without prejudice shall be made by the applicant at least one (1) calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

207.7 Conditions of Approval

a. Any *person*, firm or corporation having obtained approval of a special permit application under this section shall complete all work and comply with all conditions of approval of said site plan approval within two (2) years after said approval. In the event that all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void. The Planning and Zoning Commission may file a statement to that effect upon the land records if it deems necessary in its best interest. The Planning and Zoning Commission may by resolution and without public hearing extend its approval for an additional period of one (1) year for good cause.

b. Approval of an application for a special permit under this section shall be conditioned upon the applicant's filing of the special permit approval on the East Hartford land records as per the requirements of Public Act 75-317.

c. In approving a special permit which, by its nature or relationship to surrounding land uses such as, but not limited to, (natural resources removal and fill, adult entertainment, etc.), has the ability to create traffic safety or congestion problems or cause depressed values or have other detrimental effects, the Commission may set or impose time periods or limits on the permit or require periodic renewal of the permit without a public hearing. In no case shall the time period condition for renewals be less than five (5) years. In the event that an appeal is taken, directly or indirectly from the Commission's

approval of a special permit, the time period shall commence on the date of final resolution of disposition of such litigation. Expired special permits shall be considered null and void and of no effect.

207.8 Certificate of Special Permit Zoning Compliance

No Certificate of Zoning Compliance shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases in which seasonal conditions prevent compliance with the provisions of the approval before the *building* is complete, the Zoning Enforcement Officer may authorize issuance of a Certificate of Zoning Compliance on the condition that all provisions of the approval are complied with as the season permits. The Zoning Enforcement Officer may also request that the applicant post a voluntary bond in the amount equal to the remaining work items to be completed. Noncompliance within that stated time shall make approval null and void unless further extended for good cause.

No change or extension of use and no alteration shall be made in a *nonconforming use* of a *building* or land without a certificate of zoning compliance having first been issued by the Zoning Enforcement Officer and a certificate of occupancy issued by the Building Official that such change, extension or alteration is in conformity with the provisions of these regulations.

207.9 Revisions and Extensions of an Approved Special Permit

Any substantial revisions of an approved special permit application and any reconstruction, enlargement, extension, moving or structural alteration of an approved special permit use or any *building* or *structure* in connection therewith shall require submission of a special permit application as for the original application. Applications for special permit amendments or *modification*s which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application, except that amendments or *modification*s, found to be of a minor nature or that do not materially alter the special permits as determined by the Commission may be authorized after Commission approval only in lieu of another public hearing.

207.10 Special Permit Uses Allowed in Any Zoning District

The following uses may be permitted by the Planning and Zoning Commission by special permit in any zoning district.

a. A Town, County, State or Federal owned and/or operated *building* or facility for which such use is deemed necessary to the public convenience and welfare.

b. A library, museum, or auditorium operated by a registered non-profit organization.

c. A cemetery operated by a registered non-profit organization.

d. A registered public utility *building* or facility that is deemed necessary to the public convenience and welfare.

e. Bus shelters erected and maintained by the State of Connecticut or Town of East Hartford.

f. An emergency shelter for the homeless operated by a non-profit organization. In addition to the requirements of Article II, the following shall apply:

    1. The site shall be located within two hundred (200) feet of a bus stop;

    2. The applicant shall submit a report to the Planning and Zoning Commission, the Town Council, Mayor and Director of Social Services of the Town of East Hartford certifying the need for the facility;

3. The site shall be of sufficient size and shape to provide an area for outdoor play; provided, however, the Commission may waive this requirement for a facility not designed to serve children; and

4. The applicant shall provide parking at a rate of one (1) *parking space* for one (1) employee and/or volunteer on the largest shift plus one (1) space for every three (3) beds.

Section 208 Prohibition of Use Variances

The following uses shall be permitted only as described within these regulations and under no circumstances shall the Zoning Board of Appeals have the authority or power to grant such uses by *variance* in any other zoning district where those uses are not otherwise allowed.

a. *Adult oriented establishments*

b. Auto filling stations and *repair garage*s

c. Auto and truck sales and service

d. Car wash establishments

e. *Commercial recreation* - indoor

f. Contractor's materials and equipment sales and storage

g. Daycare centers/nurseries

h. *Houses of worship*[34], convents and similar uses operated by a duly incorporated non-profit organization.

i. Liquor Stores

j. Manufacturing, processing and assembly of goods

k. *Massage therapy* – Principal use or accessory use[35]

l. *Mobile home park*s

m. *Permanent seasonal outdoor dining facilities serving alcoholic beverages*[36]

n. Restaurants serving alcoholic beverages

o. *Restaurant/automobile oriented use*

p. *Substance Abuse Treatment Facilities*[37]

q. Theaters

r. Vertical take-off and landing (VTOL)

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[34] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[35] *Amendment to Article II: General Provisions, Section 200. Effective Date: September 2, 2015*
[36] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*
[37] *Amendment to Article II: General provisions, Section 200. Effective Date: August 13, 2003*

Section 209 Parking Regulations

209.1 Off-Street Parking and Loading:

a. Parking facilities off the *street* shall be provided and used to serve all *building*s erected, moved, altered, or enlarged and all *premises* otherwise developed. Such facilities shall be provided in accordance with the standards hereinafter specified to accommodate the motor vehicles of occupants, employees, customers, the handicapped and other *person*s normally visiting such *building*s or *premises* at any one (1) time. Except for single and two-*family* dwellings, such paved areas shall have a minimum base of four (4) inches of processed stone or gravel and a minimum surface course of two (2) inches of asphalt or bituminous concrete. A greater thickness of each course shall be required by the Town if it is determined that the proposed parking facility requires more because of increased intensive use of the facility. The parking facilities shall provide for safe access and movement of vehicles and pedestrians. Parking facilities accessory to a single- or two-*family* dwelling shall be graded and properly drained. No off-street parking facility as required or allowed by these regulations for any zoning district shall be designed and/or located in any required *front yard* except in the paved portion of the driveway that gives access to said facility may be used for parking in a residential zone only.

b. No required parking as specified herein shall be designated as "fee parking." All required parking shall be open free of charge to the occupants of the *building*/*premises*.

c. In any zone, no parking facilities shall be located within five (5) feet of any rear or side property line except in the paved portion of the driveway that gives access to said facility.

d. In any zone, for any parking lots providing spaces for twenty (20) or more vehicles there shall be provided along the perimeter a landscaped area with a minimum dimension of five (5) feet planted with grass or shrubs and containing at least one (1) deciduous tree of not less than a three (3) inch caliper and at least six (6) feet in height, for every fifty (50) feet along the perimeter of the parking area. Such distance may be increased for lanes of ingress and egress. The parking lot shall be illuminated. Where the parking area is functionally integrated with an adjacent parking area, the Planning and Zoning Commission may approve a *modification* to these regulations upon the acquisition of a special permit.

e. All such uses providing *parking space*s for more than fifty (50) vehicles are also required to provide at least ten (10) square feet of interior *landscaping* for each *parking space* within the boundary of the paved portion of the parking area for each *parking space*. Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least nine (9) feet, and shall include at least one (1) deciduous tree of not less than three (3) inch caliper, at least six (6) feet in height (refer to East Hartford Design Manual).

209.2 Location of required parking facilities

Required parking facilities shall be located on the same *lot* as the *building* or use that they serve except that required spaces serving a nonresidential use may be permitted elsewhere by the Commission on a special permit use basis. Such off-site parking facilities shall be not more than five hundred (500) feet walking distance from the *premises* measured in a straight line to the nearest space for vehicular parking.

209.3 Areas of required parking facilities

Unless otherwise specifically approved by the Commission, required parking facilities for passenger vehicles shall contain not less than the minimum areas set forth below. Roof top or indoor parking may be included in the required area. Where two (2) or more uses are on the same *premises*, the minimum number of *parking space*s shall be the total of the minimum number of *parking space*s for each use as required in these specifications. Unregistered vehicles shall not be parked or stored on any residentially zoned property other than in completely enclosed *building*s.

1. Automobile sales - one (1) legal *parking space* for every five (5) unregistered vehicles intended for sale and storage.

2. *Adult Daycare Facility*- one (1) space for each staff member, plus one (1) space for every eight (8) clients the adult daycare facility is certified/ licensed to serve on a daily basis.[38]

3. Bowling alleys - five (5) spaces for each alley

4. *Catering hall*s - one (1) space for each three (3) legal occupants.

5. *Houses of worship*[39], *commercial recreation*, theaters, public assembly halls, stadiums and restaurants - one (1) space for every three (3) legal occupants.

6. Filling stations, *repair garage*s, and auto body repair shops - four (4) spaces for each service or work station, i.e., area in which an automobile is fueled or serviced.

7. Financial institutions - one (1) space for each two hundred and fifty (250) square feet of *gross floor area.*

8. Funeral homes - one (1) space for each three (3) legal occupants plus three (3) spaces for special vehicles.

9. *Home occupation* - One (1) space in addition to the required parking for the dwelling.

10. Hospitals - one (1) space for each two (2) patient beds plus one (1) space for each employee on the largest shift.

11. Manufacturing plants - one (1) space for every one thousand (1,000) square feet of gross floor area or one (1) space for every one and one-half (1.5) employees, whichever is greater.[40]

12. *Mobile home park*s - two (2) spaces for each *mobile home*, except that *mobile home park* which provided one (1) *parking space* for each *mobile home* on October 1, 1972 shall only be required to maintain one (1) *parking space.*

13. *Motel*s, tourist cabins, *hotel*s, and *rooming house*s - one (1) space for each room offered for rent.

14. *Multiple-family dwelling* - two (2) spaces per *dwelling unit*, except for three-bedroom and four-bedroom units that require two and one-half (2.5) spaces per unit. An additional twenty (20) percent of the total spaces shall be designated for visitor parking. For *dwelling unit*s in *multiple-family* complexes of more than three stories, the applicant may apply for a special permit to reduce the parking requirement to as low as one and one-half (1.5) spaces per one bedroom unit and two (2) spaces per two bedroom unit or larger. The applicant must demonstrate that parking demand will be lower or that a workable shared parking arrangement can be used to make up the shortfall in spaces.

15. Museums operated by a non-profit corporation - one (1) space per five hundred twenty-five (525) gross square feet of floor space with a minimum of two and one-half (2.5) percent of the total *parking space*s dedicated to school buses with a rider capacity of not less than forty-five (45) people.

16. Nursing homes, convalescent homes and assisted living facilities[41] - one (1) space for each three (3) beds, plus one (1) space for each employee on the largest shift.

17. Offices - one (1) space for each two hundred and fifty (250) square feet of *gross floor are*, ***except*** in a Business 4 (B-4) zone in which the following office parking formula shall be conformed with:

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[38] *Amendment to Article II: General Provisions, Section 209. Effective Date: December 1, 2011*
[39] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[40] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 30, 2016*
[41] *Amendment to Article II: General Provisions, Section 200. Effective Date: February 3, 2016*

(i) 0 to 90,000 square feet on-site cumulative gross building floor area - one (1) space for each of two hundred and fifty (250) square feet.

(ii) 90,001 to 280,000 square feet on-site cumulative gross building floor area - one space (1) for each two hundred and seventy-five (275) square feet.

(iii) Over 280,001 square feet on-site cumulative gross building floor area - one (1) space for each three hundred (300) square feet.

18. Office in residence - six (6) spaces total including the residence, or an area equal to twice the floor area used for such purposes, whichever number of spaces is the greater[42].

19. *Restaurant/automobile oriented use* as a free standing *building* - one (1) space for each one hundred (100) square feet of *gross floor area* or minimum of twenty (20) spaces whichever is greater.

20. *Restaurant/automobile oriented use* as integrated part of a *shopping center/mall* - one (1) space for every three (3) legal occupants.

21. *Restaurant/eating establishments* - one (1) space for every three (3) legal occupants.

22. Retail stores, personal-service shops or similar business *building*s - one (1) space for each two hundred and fifty (250) square feet of *gross floor area.*

23. Schools with grades K through 8 - two (2) spaces for each teaching station.

24. Schools with grades 9 through 12 and institutions of higher learning - five (5) spaces for each teaching station.

25. Public schools with grades 9 through 12 - three and three-quarters (3.75) spaces for each classroom.[43]

26. Single-*family* dwellings - two (2) spaces.

27. Three-*family* dwelling - six (6) spaces.

28. *Truck terminal*s, wholesale storage and *warehouse*s - one (1) space for each two hundred fifty (250) square feet of office area and one (1) space for each two (2) employees in the largest shift, or one (1) space per one thousand (1,000) square feet of *gross floor area*, whichever is greater.

29. Two-*family* dwellings - four (4) spaces.

30. Public Storage[44] – one (1) per one hundred twenty five (125) stage units but not few than ten (10) parking spaces.

209.4 Truck loading space requirements

In the case of hospitals, institutions, *hotel*s, retail, wholesale and industrial *building*s, the number of off-street loading berths required by this section shall be considered the absolute minimum. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by twenty five (25) feet and fourteen (14) feet overhead clearance. Each loading space shall have adequate means for ingress and egress.

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[42] *Amendment to Article II, General Provision, Section 209.3. Effective Date: March 1, 2006*
[43] *Amendment to Article II, General Provision, Section 209.3. Effective Date: January 4, 2001*
[44] *Amendment to Article II, Section 209.3, Areas of Required Parking Facilities. Effective January 12, 2005*

Number of required off-street loading berths:

For *structure*s containing more than twenty thousand (20,000) square feet and less than forty thousand (40,000) square feet of *gross floor area*, one (1) berth shall be required. For *structure*s containing forty

thousand (40,000) square feet of *gross floor area* or more, the number of berths specified in the following table shall be provided:

Gross Floor Area (Square Feet)	Required Number of Berths
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - over	6

209.5 Off-street loading requirements:

On the same *premises* with every *building*, *structure* or part thereof erected or occupied for a use or uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services to avoid interference with the use of *street*s or alleys and without encroachment on any off-street parking area. Off-street loading and unloading spaces together with appropriate access drives shall be developed and maintained in accordance with the provisions of Section 209 of these regulations.

209.6 Illumination

Lighting levels for any exterior illumination, whether required or not required but provided, shall provide not less than one-half (.5) foot-candle of illumination for any access drive or walk so lit but shall not show any direct light source beyond any *lot line* nor more than one-half (.5) foot-candle beyond any *lot line*.

209.7 Parking layout and dimensions (refer to East Hartford Design Manual)

For a *parking space* to be credited as a required space, for ninety (90) degree parking, each space shall have minimum dimensions of nine (9) feet in width by eighteen (18) feet in length. If a *parking space* fronts on another *parking space* from which it has no curbed wheel-stop separation or it fronts on a bumper guard-type car stop or wall, the length of the space shall be twenty (20) feet. For ninety (90) degree parking only, if necessitated by the geometry of the *lot*, the width of the access aisle may be reduced by no more than two (2) feet, provided the width of each adjoining *parking space* is increased by one (1) foot. Cars utilizing spaces adjacent to walls and fences shall be prevented from striking same by an appropriate car stop. In those instances where the *parking space* abuts a landscaped area or a pedestrian sidewalk of not less than six (6) feet in width, the *parking space* can be reduced to sixteen (16) feet in length. Each required parking area is to be exclusive of driveways and shall be permanently reserved for the temporary parking of one (1) automobile and shall be connected with a *street* or public right-of-way by an all-weather surfaced driveway.[45] The standards for oblique, perpendicular and parallel parking shall be as described in the East Hartford Design Manual.

The width of the feeder drive indicated for ninety (90) degree parking is for two-way circulation; the widths for zero (0) degree, forty-five (45) degree, and sixty (60) degree parking are for one-way circulation. Parking lot aisles at other than ninety (90) degrees must be open at both ends.

Interior aisles shall be of adequate width to serve a particular design arrangement of *parking space*s, the following being the minimum width permitted. Ninety (90) degree parking shall be used unless there is positive control of traffic directions.

[45]*Parallel parking and oblique parking should be avoided; perpendicular parking is encouraged. Oblique parking is parking at an angle other than zero (0) degrees (parallel) or ninety (90) degrees (perpendicular).*

Parking Stall Alignment	Interior Aisle Width
90 degree parking	24 feet
60 degree parking	18 feet
45 degree parking	13 feet

All required *parking space*s, except for single-*family* or two-*family* residences, shall be marked by painted lines, curbs, or other means to indicate individual spaces.

209.8 Parking for *person*s with disabilities

Parking spaces shall be provided for the *person*s with disabilities in accordance with of the State of Connecticut building code 29-252-1b, as amended (see East Hartford Design Manual).

209.9 Parking requirement for a use not specifically listed

Where a use is not specifically listed, the commission shall determine the required number of required parking spaces based on Institute of Transportation Engineers Parking Generation 3rd edition as updated and amended in addition to other use/ site impact studies.[46]

Section 210 Signs

210.1 Intent

The intent of these regulations is to enhance the health, safety, and welfare of the community and also insure that *sign*s do not impair the safe flow of traffic and are in harmony with the *structure* to which they relate and adjacent area. *Sign*s should facilitate efficient communication between businesses and the patrons they wish to attract. *Sign*s should blend with the architectural style of the *building* to which they relate and should be visually pleasing and attractive.

To create architecturally harmonious and visually attractive signs, the following standards shall be used as criteria when making decisions concerning the design and placement of signs:[47]

a. Signs should be designed as an architectural element of the building and should complement the architectural style of a building.

b. Signs should be in good proportional scale to the building and site to which they relate.

c. Whenever possible, individual sign letters should be attached directly to the building, and signs should be located on the building's sign frieze.

d. Sign materials, lettering style, and form should be compatible with the building's design and use and there should be an architectural harmony and unity of signs within a unified business center. Sign type, color scheme, lettering, size, placement of signs and illumination should be coordinated among all signs and should be compatible with the architecture of the center.

e. Sign colors should be limited in number and be compatible with the building's facade.

f. Signs should relate to the business at hand and not advertise brand names or symbols of products unless fifty (50) percent or more of the floor space of the premises is directed to the sale or manufacture of the product.

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[46] *Amendment to Article I: General Provision, Addition of Section 209.9. Effective Date: April 4th, 2013*
[47] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*

g. The number of graphic elements on a sign should be held to a minimum and should not contain selling slogans or product descriptions.

210.2 Sign review and approval

Before a *sign* permit can be issued for any *sign* allowed in Section 210.5.c of these regulations, height, size, location and design must be approved by the Site Plan Review Committee or the Zoning Enforcement Officer and Town Planner. The Zoning Enforcement Officer and Town Planner may refer any sign application to the Site Plan Review Committee if further review is required to determine conformance with the regulations. If dissatisfied with the final determination, the applicant may appeal the decision to the Town Planning and Zoning Commission for a re-determination.[48]

a. All new ground or pole signs shall be reviewed and approved by the Site Plan Review Committee.

b. All signs other than new ground or pole signs shall be reviewed and approved by the Zoning Enforcement Officer and Town Planner.

c. An approved sign permit does not constitute building permit approval. Other permits, such as building and electrical permits are required for certain types of signs as may be required by the State Building Code.

d. Signs shall be subject to the following limitations of size, location and height, except that the Town Planning and Zoning Commission in approving a site plan application, may, in harmony with the provisions of Section 704 of these Regulations, permit appropriate modifications in the permitted number of signs, size and location provisions for a particular sign or group of signs. Planning and Zoning Commission shall not approve any sign modifications regarding number, size or location of signs in excess of fifty percent (50%) of the original requirements of Section 210. [49]

e. EMC sign/s associated with *shopping center/mall* may be allowed by special permit under section 207. The Commission may allow two free standing ground EMC signs or combination EMC and standard sign with maximum of thirty six feet in height. In no case shall the EMC portion of the sign face on a free standing ground EMC sign exceed fifty square feet. The sign area for EMC signs is counted towards the total allowable free-standing sign area for a shopping center/mall. [50]

210.3 Application requirements

a. The Application for Sign Permit form must first be submitted to the Department of Inspections and Permits for review and approval by the Zoning Enforcement Officer, and subsequently to the Department of Development for review and approval by the Town Planner. Any sign under Section 210.2.a shall be submitted to the Department of Development for the next regularly scheduled Site Plan Review Committee meeting, provided the application is submitted at least two (2) working days prior to the meeting.[51]

b. A check must be made payable to the Treasurer, Town of East Hartford, in an amount determined by the Town of East Hartford. The prescribed fee will be waived if a *sign* permit application is made in conjunction with a special permit or site plan review application.

c. A detailed rendering of the *sign* in true and actual color shall be submitted, showing its design and graphic details clearly. The drawing should also show where the *sign* will be located in relation to the *building* and site. These drawings should be in a scale suitable to show architectural style in sufficient detail.

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[48] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*
[49] *Amendment to Article II: General Provisions, Section 210. Effective Date: December 8, 2004*
[50] *Amendment to Article II: General Provisions, Section 210.1. Effective Date: July 14, 2010.*
[51] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*

d. A recent photograph showing the existing building and site in its current condition shall be submitted with the application to determine compatibility of design pursuant to Section 210.1. Any abandoned wall signage or components thereof, such as brackets or anchors, shall be removed prior to the issuance of any sign permit.[52]

e. Failure to fulfill the application requirements or submission of inaccurate information is grounds for denial of the application.

210.4 Sign modification

The Site Plan Review Committee, Zoning Enforcement Officer or Town Planner may require *modification*s of a proposed *sign* if deemed necessary to conform to the requirements of these regulations. Compliance with any required *modification* shall be a condition of approval.[53]

210.5 Sign regulations

a. Residence districts – The following *sign*s may be permitted as follows without approval of the Site Plan Review Committee, Zoning Enforcement Officer and Town Planner except as noted:[54]

1. A nameplate or *sign* for permitted use that gives only the name of the occupant or use of the *premises* not to exceed one and one-half (1.5) square feet in area. The length of such *sign*s shall not be more than two (2) times the width.

2. A *sign* that advertises the sale or lease of the *premises* on which such *sign* is displayed, except that a *sign*(s) not more than thirty (30) square feet in aggregate area may be allowed for a period of not more than one (1) year for an approved subdivision which permit may be renewed annually.

3. Contractor's *sign*s not more than twenty-four (24) square feet in aggregate area when displayed on a *building* under construction.

4. Two (2) *sign*s identifying houses of worship, synagogues, and other similar religious uses are permitted on each *street* frontage, one (1) of which may not exceed twenty (20) square feet in area and the other of which may not exceed ten (10) square feet in area. One (1) *sign* may be a free standing *sign* used for notices and announcements or events at the religious institution.

5. *Sign*s advertising the use of the *premises* for special permit uses, the total area of such *sign*s not to exceed twenty four (24) square feet.

6. Directional *sign*s each not more than one and one-half (1.5) square feet in area indicating the location of *houses of worship*[55], schools, hospitals, parks, scenic or historic places of general interest. Any such *sign* and mounting shall not exceed eight (8) feet in height.

7. *Sign*s advertising the name of a subdivision or group housing project located on the *premises* of the *street* entrance, limited to announcing the name of the subdivision or group housing project. Each such *sign* shall not exceed twenty-four (24) square feet in area.

8. No free standing *sign*, except directional *sign*s, shall be more than six (6) feet in height.

b. In Business and Industrial districts, *sign*s may be permitted as follows without approval of the Site Plan Review Committee, Zoning Enforcement Officer and Town Planner except as noted:

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[52] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*
[53] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*
[54] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*
[55] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

1. Those permitted in Section 210.5a for the uses specified and subject to the limitations specified.

2. *Sign*s displayed from the interior of *building* windows provided that no more than twenty-five (25) percent of the interior window space is covered by temporary or permanent signage. Interior *sign*s per this section will not be calculated in the allotment for exterior advertising signage.

c. In Business and Industrial districts, signs may be permitted as follows pursuant to Section 210.2:[56]

1. Exterior *advertising sign*s—size calculation

   S*ign*s advertising the use of a business establishment are not to exceed one (1) square foot of *sign* area for each lineal foot of the facade of the principal *building*, or portion thereof, on which the business fronts. If the use of the *premises* does not include a main *building*, the total area of *sign*s may not exceed thirty-two (32) square feet. In no event shall the aggregate of any businesses *sign*s exceed two hundred (200) square feet.

2. Ground *sign*s

   *Sign*s are not to exceed fifteen (15) feet in height and shall be set back a minimum of ten (10) feet from the property line. *Sign*s are not to exceed thirty-two (32) square feet in area, with the exception of said *sign*s relating to a unified shopping center of three (3) or more stores, in which case the aggregate square footage shall not exceed four hundred (400) square feet.

3. Projecting *sign*s

   *Sign*s are not to exceed twenty four (24) square feet in area and with a minimum height of ten (10) feet and said *sign* cannot project beyond the property line.

4. Replacement of *sign* panels

   Panel replacements will be allowed upon the approval of the Site Plan Review Committee, subject to the criteria set forth in Section 210.1.

5. Overhanging or Ground *sign*s

   No overhanging or ground *sign* shall project over a public right-of-way, and no overhanging *sign* shall exceed twenty four (24) square feet in area and must stand a minimum of ten (10) feet above ground level.

6. [57]Directional *signs* for nonresidential structures that are needed for safe guidance of vehicular and pedestrian traffic through the site shall be allowed as follows:

   (a) Each site shall be limited to two (2) directional *signs* with a maximum of three (3) square feet per directional *sign* with the exception of supplementary pedestrian directory *signs* as noted in section 210.5.c subsection 6(b). Additional directional *signs* may be permitted as part of a site plan review application.

   (b) Non-residential structures shall be limited to one (1) supplementary pedestrian directory *sign* with a maximum of one (1) square foot per tenant.

   (c) Directional *signs* for *shopping center / mall* sites shall be limited to six (6) square feet per business establishment may be permitted as part of a site plan review application.

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[56] *Amendment to Article II: Signs, Section 210. Effective Date: March 30, 2016*
[57] *Amendment to Article II: Section 201.5(a) subsection 9, Directional Signs. Effective Dates: December 3, 2014*

(d) Directional *sig*n with advertising for an accessory use repair facility associated with a new automobile and truck sales and service licensed establishment shall be limited to one (1) wall mounted *sign* with a maximum of twenty-five (25) square feet may be permitted as part of a site plan review application. No free-standing directional *sign* with advertising shall be allowed.

d. Temporary signs

1. Civic and non-profit organizations

*Sign*s announcing special events, and/or political *sign*s shall be permitted only for a period of sixty (60) days prior to and including the duration of the activity which such *sign* describes, and such *sign* shall be removed within one (1) week after completion of such activity that said *sign* describes. All temporary *sign*s in a Business or Industrial Zone shall not exceed a maximum of thirty-two (32) square feet.

In a Residence Zone, *sign*s shall not exceed twelve (12) square feet per *sign*. In addition, all *sign*s shall be set back in such a manner as not to create a public hazard or impede traffic sight lines.

2. Removal of Public Hearing *sign*s

Any *sign* issued by the Town for the purpose of announcing a public hearing shall be displayed for a period not to exceed seven (7) days after said public hearing.

e. Portable signs

Portable *sign*s shall include any mobile *sign* or wind *sign* or *sign structure* not securely attached to the ground or to any other *structure* and shall be subject to the following requirements (this section shall not apply to temporary *sign*s as defined in Section 210.5d1):

1. Portable *sign*s and wind *sign*s as defined herein may be erected on the *premises* of an establishment having a grand opening, special event, special promotion or sale, provided that such *sign*s shall be displayed for a single period not to exceed thirty (30) days within any six month period. Said use of portable or wind *sign*s shall be approved by the Director of Permits and Inspections before each use. Such display may be permitted for one (1) additional period up to thirty (30) days upon approval of the Site plan Review Committee.

f. Shielding of an EMC sign illumination associated with a *Shopping center/mall*.[58]

Free standing ground EMC signs, in addition to conforming to all other requirements of this section and section 209.6 shall be shielded in such a manner so that no direct source of light is cast into residential zoned/use properties or into a public street or right-of-way or shall not show any direct light source beyond any lot line nor more than one-half (.5) foot-candle beyond any lot line. EMC signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady non-undulating or non-undulation manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements.

210.6 General *sign* provisions to apply to all *sign*s:

a. Billboards are prohibited; any billboard in existence prior to the adoption of these regulations is nonconforming.

b. Permanently strung and festoon lights are prohibited.

[58] *Amendment to Article II: General Provisions, Section 210.5. Effective Date: July 14, 2010.*

c. All *sign*s shall be nonanimated and nonflashing, excluding public service *sign*s showing time and temperature or road safety information. No *sign* shall be illuminated between the hours of 12:00 midnight and 6:00 a.m., except *sign*s on *premises* open for business during those hours.

d. No business is to have a total of more than two (2) *sign*s, with the exception of said directory *sign* and a *sign* stating the hours the store is open for business, not to exceed one (1) square foot.

e. No *sign* shall be painted directly on the exterior surface of any wall. All exterior attached *sign*s, except awning *sign*s, shall be painted, posted or otherwise securely affixed to the wall of the *building*.

f. The construction of the *sign* shall comply with the Connecticut State Building Code.

g. All *advertising sign*s shall be located on the parcel of land on which the business is located.

h. No *sign* shall project above the highest point of the roof.

i. No *sign* shall project over the property line.

j. Refer to East Hartford Design Manual for graphic *sign* examples.

k. EMC[59] signs, flashing signs, animated signs, changing signs and revolving signs are prohibited except: (i) when required by the Federal Aviation Agency or other state or federal governmental unit; or (ii) as set forth in l below.

l. An EMC[13] sign/s shall be allowed by special permit under section 207, as part of an EMC sign associated with a *shopping center/mall* under section 210.5(c) provided any changes to the position, format or visible display of letters, words, pictures, symbols, messages, graphics or other displays on the EMC sign face do not occur more than once every hour.

m. Any sign required by any Town, State or federal laws, governmental order or regulation is not subject to these regulations.

n. In accordance with Sec. 3-30(C) (Billboard Sign/Sign Ordinance), as amended 02/06/06, of the Town of East Hartford Ordinances, a billboard sign, approved by the Town Council under Section 3-30(C), is not subject to Section 210.6 subsection (a), (c), (d), (e), (g), (h), (i), & (j) of these regulations. Any new billboard to be constructed under this exception is subject to Section 702 "Design Review and Approval" and the following supplementary regulations:[60]

    1. Each billboard sign structure shall only be located on a parcel that has frontage on Interstate 84 (I-84) and within the Industrial Two (I-2) Zoning District;

    2. Each billboard sign structure shall be separated from adjacent billboard sign structures by a distance of not less than five hundred (500) feet. For purposes of this provision, the distance between billboard sign structures shall be measured from the closest point of one billboard structure to the closest point of another and shall apply to both sides of a street or highway;

    3. Each billboard sign structure shall be built with a monopole construction and is limited to a maximum of up to two sign faces, each of which shall be no larger than six-hundred and seventy two (672) square feet per sign face, with a minimum width of fourteen (14) feet and a maximum length of forty eight (48) feet per sign face[61]. The area shall be measured by the outer limits of the advertising space;

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[59] *Amendment to Article II: General Provisions, Section 210. Effective Date: July 14, 2010.*

[60] *Amendment to Article II: General Provisions, Section 210, Billboard Sign Zoning Regulations. Effective Date: August 30, 2006*

[61] *Amendment to Article II: General Provisions, Section 210, Billboard Sign Zoning Regulations. Effective Date: May 2,2013*

4. Any extension of the billboard sign face above, below or to the side of the sign face shall be counted in the area of the sign face and height of the billboard sign structure.

5. Each billboard sign structure shall be located at a minimum of one hundred (100) feet from any building or two hundred and fifty (250) feet from any residential or residential use;

6. Each billboard sign structure shall be setback a minimum of fifty (50) feet from all property lines. For purposes of measuring the setback, the distance shall be measured from the nearest point of the billboard sign structure to the closest point of the property line;

7. Maximum height of a billboard sign structure shall be no more than fifty (50) feet measured from the natural grade of the area under the sign to the highest point of the sign;

8. Each billboard sign structure shall not be located within five hundred (500) feet of an interchange, measured along Interstate 84 (I-84) from the billboard sign structure to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to Interstate 84 (I-84).

9. Electronically changed digital billboard(s) shall not

   - contain flashing, intermittent or moving lights or any illumination that moves, appears to move or changes in intensity during the static display period;
   - have a duration of the static message time of less than six (6) seconds;
   - have a transition time of no more than two (2) seconds;
   - show any direct light source beyond any lot line nor more than one-half (.5) foot-candle beyond any lot line.

210.7 Abandoned *sign*s

The Zoning Enforcement Officer has the power to remove any *sign* that is discontinued for a period of at least sixty (60) consecutive days.

Section 211 Dimensional Requirements of Corner and Through Lots

211.1 *Corner lot*s

a. The *side yard* on the *street* side of a *corner lot* shall be a minimum of twenty (20) feet and shall run for the full length of the *street* which it abuts. An interior *side yard* of ten (10) feet shall be required. This shall not include existing *nonconforming lot*s, but in no case shall the *building* be less than ten (10) feet from any *street line*.

b. No *building* shall be located in the *rear yard* within the required *side yard* distance for the zone in which it is located when the *rear yard* is adjacent to the *side yard* of an adjoining *lot*.

c. *Corner lot*s shall be increased in size so that the buildable areas will be equal to the buildable areas of a *lot* other than a *corner lot*. This shall not include existing *nonconforming lot*s.

d. *Corner lot*s formed by the intersection of two (2) *street*s shall maintain a clear space from all *structure*s and vegetation except necessary retaining walls and tree trunks, poles and fences that do not obstruct visibility. The clear space is to be a triangular area bounded by the property twenty-four (24) feet between two (2) planes that are parallel to the plane passing through the *street* center line grades of the two (2) intersecting *street*s at elevations of two and one-half (2.5) feet and seven (7) feet above same.

211.2 ***Through lot*s**

a. No *building* shall be located in the *rear yard* or within the required *front yard setback* in the zone within which it is located.

b. A *through lot* shall provide a *rear yard* that of at least the same depth as the *front yard*s on the same side of the *street* within the same block in accordance with the provisions of this section.

Section 212 Front-Yard Dimensional Requirements

212.1 No *building* shall be erected and no *building* shall be reconstructed or altered so as to project in any way beyond the average *setback* line observed by the *building*s on the same side of the *street* within the block at the time of the passage of these regulations. If at the time of these regulations, *building*s exist on only one (1) side of the *street* within the block, the *setback* on the vacant side shall comply with the *front yard* requirements of the zone in which it is located. When no *building* exists on either side of the *street* within the block, no new *building* shall be erected with its *street* wall, walls, or covered porches nearer the *street line* than the minimum depth of *front yard*s shown for each respective zone. Except as provided in Section 212.4, in no event shall a *front yard setback* of less than fifteen (15) feet be permitted, nor shall a *front yard setback* of more than fifty (50) feet be required.

212.2 The average *setback* line observed by *building*s on the same side of the *street* within five hundred (500) feet on each side of the *lot* in question shall control in lieu of the average *setback* line within the block when the block affected has a length of more than one thousand two hundred (1,200) feet between its intercepting *street*s.

212.3 The provisions of this section shall, however, in no case be applied so as to keep the *street* wall, walls or enclosed porches of the *building* further back from the *street line* than the maximum depth *front yard* indicated for the zone in which such *building* is located.

212.4 *Building*s which existed prior to March 15, 1997 shall be exempt from the minimum *front yard* setback of fifteen (15) feet as set forth in Section 212.1, provided that in no case shall the *front yard* setback be less than ten (10) feet. Additions constructed to such existing *building*s shall also be exempt from the minimum *front yard* setback of fifteen (15) feet, provided that:

a. In no case shall the *front yard* be less than ten (10) feet; and

b. That portion of any such *building* addition utilizing this exemption provision shall not be more than one hundred (100) percent larger than the existing *building* or occupy more than seventy (70) percent of the *premises* frontage, whichever is more restrictive. Frontage measurement for the purposes of this exemption shall include the length of the existing *building front yard* facade.

Section 213 Courtyard Requirements

213.1 The area required in a court at any given level shall be open from such level to the sky, unobstructed except for the ordinary projections of skylights and parapets above the bottom of such courts or *yard*s and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four (4) inches. Courts in business or industrial *building*s, whether partly or entirely enclosed by walls, shall have a minimum dimension of at least fifteen (15) feet or one-quarter (.25) of the average height of the surrounding walls, whichever is greater. Courts in *building*s used for residential purposes shall have a width of at least fifteen (15) feet or one-half (.5) of the average height of the surrounding walls, whichever is greater. In residential *building*s, courts enclosed on all sides shall not be permitted except for single-*family* dwellings, and no court in business or residential *building*s shall have a depth greater than twice the width.

213.2 A corner of a court or *yard* may be cut off between walls of the same *building*, provided that the length of the walls of such cut-off does not exceed seven (7) feet, and further provided that the required area of the court or *yard* is not diminished.

213.3 Windows opening on an offset to a court or *yard* shall be deemed to comply with the provisions of these regulations, provided that such offset is not deeper in any part than it is wide on the open side. The open side of such offset shall in no case be less than six (6) feet. The area contained in an offset shall in no case be included in computing the required area of a court or *yard*.

Section 214 Accessory Structures and Uses in Residence Zone

214.1 Permitted *Accessory Use*s and *Structure*s

The following residential *accessory use*s and *structure*s are permitted and shall be subject to general conditions enumerated in Section 214.2. The uses and *structure*s may include but are not limited to:

a. Children's playhouse

b. Garage or carport, provided that:

1. A combined total maximum of three (3) motor vehicles may be parked in a private garage and/or carport, attached or detached, except that the Planning and Zoning Commission may by special permit grant one (1) additional garage and/or carport; and

2. One (1) commercial vehicle may be stored on a residential *lot*, provided that such commercial vehicle shall have a maximum capacity of three-quarter (.75) tons, and such vehicle shall be stored on the paved driveway of the occupied residential *lot* or the paved parking area leased to the residential occupant.

c. Garden

d. Greenhouse

e. Hobby room or mechanical room

f. *Home occupation*, provided that:

1. A *home occupation* shall be carried on entirely within the *dwelling unit* on the same *lot* as the *dwelling unit*.; and

2. No employees are allowed, and such use must occupy a floor area not more than twenty-five (25) percent of the *gross floor area* of the *dwelling unit* and not more than five hundred (500) square feet and must not create a nuisance, odor, noise, glare or vibration noticeable off the *premises*.

g. *Major recreational equipment* storage, provided that:

1. *Major recreational equipment*, for purposes of this section, shall include those units described in Section 200;

2. *Major recreational equipment* that has a total length of thirty (30) feet or less may be stored or parked on a *lot* in any residential zone subject to the following conditions:

(a) Such equipment, if not parked or stored in a garage or other completely enclosed *structure*, shall be parked or stored in the *rear yard* area but not closer than five (5) feet to any *lot line* nor closer than twenty-five (25) feet to any adjoining residence; and

(b) Such equipment may be parked anywhere on the residential *premises* for a period not exceeding twenty-four (24) hours during loading and unloading.

3. *Major recreational equipment* parked or stored in any zoning district, whether it be residential or nonresidential, shall not be used for living, sleeping or housekeeping purposes.

h. Noncommercial stabling of horses, provided that:

1. The portion of the *lot* or parcel upon which any horse or horses are stabled, pastured or exercised shall have a minimum area of four (4) acres in addition to the minimum *lot area* required for the dwelling on the *lot* or parcel;

2. Such portion of the *lot* or parcel shall contain one (1) additional acre for each horse being stabled, pastured or exercised after the first two (2) horses; and

3. All *building*s and *structure*s for the stabling and exercising of horses shall be located at a minimum of two hundred seventy (270) feet from a *street line* or of any dwelling or public *building*.

i. Outdoor shelters for household pets and indigenous birds

j. Playground or recreation area

k. Roadside stand, provided that:

1. A temporary seasonal roadside stand shall be for the sale of produce or products fresh fruit, vegetables and flowers that have been grown on site. Such stand shall have a maximum area of one hundred (100) square feet. It shall be located a minimum distance of twenty (20) feet from any *street*/alley and one hundred (100) feet from any *street* or road intersection. Such roadside stand shall also abide by the *side yard* requirements for a principal *building* for the zone in which it is located. It shall be removed within ten (10) days after its use is discontinued for that particular growing season.

l. *Swimming pool* and bath house, provided that:

1. No *swimming pool* or accessory facilities for use of the pool shall be permitted in any required side or *front yard*.

m. [62]Temporary Classroom *buildings* for a period of one year from the date of Certificate of Occupancy issuance, renewable for not more than two additional one-year periods, and only when located on the *premises* of an existing or proposed school or college. Temporary classroom *structures* shall be exempt from Section 214.2 General Conditions, provided they meet the *yard* requirements for permitted uses within that residential zone.

n. Tennis court

o. Tool shed or storage *building*

214.2 General conditions

All permitted residential *accessory use*s and *structure*s shall be subject to the following general conditions:

[62] *Amendment to Article I: Section 214.1.m; Effective Date: August 25, 2004.*

a. Any permitted *accessory structure* shall be less than fifteen (15) feet in height and shall be located only in the area behind the rear wall of the principal *building* and at least thirty (30) feet from any *street*;

b. On *corner lot*s and *through lot*s, permitted *accessory structure*s shall be located only in that fourth of the *lot* farthest removed from any *street line*, but these requirements shall not prohibit any *accessory building* located fifty (50) feet or more from any *street line*;

c. No *accessory building* shall be located within six (6) feet of the rear or side line of the *lot* on which it is built or within ten (10) feet of the principal *building*;

d. The limitations imposed by this section upon the location of an *accessory building* shall be waived when such *building* is attached to its principal *building* in any way, or when it is incorporated as an integral part of its principal *building* by having one (1) wall or part of one (1) wall in common with it. Such attached *building* shall be considered part of the principal *building* and shall be subject to side and *rear yard* requirements applicable to the principal *building*;

e. Maximum floor area for *accessory structure*s associated with residential uses shall have a combined maximum floor area not greater than one third (1/3) of the principal *building* gross livable floor area on the same *lot* as such *accessory structure*s, or not greater than one thousand (1,000) square feet, whichever is less;

f. The following shall be exempt from the limitations of maximum floor area:

   1. Above-ground and in-ground pools;

   2. Accessory agricultural buildings and structures where such uses presently exist or are allowed under Special Permit.

g. No *swimming pool* or accessory facilities for use of the pool shall be permitted in any required side or *front yard* or within six (6) feet of a *rear lot line*.

h. The provisions of these regulations do not allow a *freestanding canopy* or *canopies* to be attached to *principal buildings* or *accessory buildings* as defined herein[63].

Section 215 Tractor Trailers and Trucks - General Requirements

215.1 The sale of merchandise from a tractor trailer or truck is a prohibited use and a prohibited *accessory use*.

215.2 In any zone except an I-2 or I-3 Zone, no tractor trailer with or without tractor attached or truck loaded with merchandise except goods in transit or for a construction project shall be parked in a *lot* for a period exceeding seven (7) consecutive days.

215.3 Trailers or other portable facilities shall not be used for office space except in conjunction with a legally permitted construction project and shall be removed within ten (10) days from issuance of a certificate of occupancy for the permanent *structure*.

Section 216 Mobile Home - General Requirements

No individual *mobile home* shall be occupied as a residence on any individual *lot* outside of a *mobile home park* whether conforming or nonconforming. Moreover the display, storage or commercial sale of *mobile home*s is

[63] *Amendment to Article II: General Provisions, Section 214.2. Effective Date: January 4, 2001*

expressly prohibited on the *premises* of any conforming or nonconforming *mobile home park*. This shall not be construed to prohibit individual *mobile home* sales – by *owners*.

Section 217 Soil-Erosion and Sedimentation-Control Regulations

These regulations shall apply to all developments including, but not limited to, any construction on improved or unimproved real property located in the Town of East Hartford with a cumulatively disturbed area of more than one-half (.5) acre. For the purpose of this regulation, disturbed area shall mean an area where the ground cover is destroyed or removed, leaving the land subject to accelerated *erosion*.

217.1 Intent

The purpose of this section is to improve and broadened *soil-erosion* and *sediment*-control activities that will reduce the dangers from storm water runoff, minimized nonpoint *sediment* pollution, and conserve and protect land, water, air and other environmental resources.

217.2 Application procedure and information required for certification

Application for *soil-erosion*/*sediment*-control certification shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least fifteen (15) days prior to the regularly scheduled or special meeting of the Planning and Zoning Commission during which the application is to be heard. To be eligible for certification, a *Soil-Erosion and Sediment-Control Plan* shall contain proper provisions to adequately control accelerated *erosion* and sedimentation and to reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Copies of the guidelines are available from the office of the Hartford County Soil and Water Conservation District. Alternate principles, methods and practices may be used with the prior approval of the Commission. The Commission shall make adequate findings and conclusions based upon the evidence submitted to it whether the *soil-erosion and sediment-control plan* is necessary and essential to the development of the *premises* for a permitted use by the zoning regulations. Furthermore, twelve (12) copies of the application shall be filed and shall contain, but not be limited to, the following information:

a. Address or location of subject parcel;

b. Size of subject parcel;

c. Zone of subject parcel;

d. Name, address, telephone number of petitioner(s);

e. Name, address, telephone number of *owner*(s);

f. Signature of *owner*(s); and

g. Signature of petitioner(s).

217.3 Accompanying the application form shall be:

a. A check made payable to the Treasurer, Town of East Hartford, in an amount determined by the Town of East Hartford;

b. Twelve (12) copies of a vicinity map which shows the affected property boundaries and the surrounding area at least one-half (.5) mile in all directions of said property;

c. Twelve (12) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by The Connecticut Association of Land Surveyors, Inc. (1975), as subject to amendment) site plan clearly drawn by a licensed land surveyor, to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes. The following information shall be shown as a minimum:

1. The location of the proposed development and adjacent properties;

2. The existing and proposed topography including *soil* types, wetlands, watercourses, and water bodies;

3. Location of any existing *structure*s on the project site;

4. Proposed area alterations including cleared, *excavate*d, filled or graded areas and proposed *structure*s, utilities, roads and, if applicable, new property lines;

5. Location of and design details for all proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;

6. Sequence of *grading* and construction activities;

7. Sequence for installation and/or application of *soil-erosion* and *sediment*-control measures;

8. Sequence for final stabilization of the development site;

9. Any other information deemed necessary and appropriate by the applicant or requested by the Commission, including but not limited to watershed map(s) and a statement of the project's impact on the watershed(s); and

10. Submission of inaccurate or incomplete material shall be grounds for denial.

d. A typed narrative describing the following:

1. Proposed development;

2. Schedule for *grading* and construction activities including:

   (a) Start and completion dates;

   (b) Sequence for installation and or application of *soil-erosion* and *sediment*-control measures;

   (c) Sequence for *grading* and construction activities; and

   (d) Sequence for final stabilization of the project site.

3. Design criteria and construction details for proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;

4. Installation and/or application procedures for proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;

5. Operations and maintenance program for proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;

6. *Person* responsible for maintenance during construction of project; and

7. Organization or *person* responsible for maintenance or permanent measures when project is complete.

217.4 General conditions:

a. No *grading* activities or vegetation removal associated with site development shall begin unless the project's *soil-erosion and sediment-control plan* is certified by the Town Planning and Zoning Commission and those control measures and facilities in the certified plan are installed and functional [64]and the required financial guarantee has been posted.

b. Planned *soil-erosion* and *sediment*-control measures and facilities shall be installed as scheduled according to the certified *soil-erosion and sediment-control plan*.

c. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified *soil-erosion and sediment-control plan*.

217.5 [65]Financial Guarantee

Any certified soil-erosion and sedimentation control plan which is approved under Section 217 of these regulations shall not allow any work to commence until a financial guarantee in the form set forth below has been furnished and accepted by the Town Planning and Zoning Commission or its designated agent securing the actual implementation, maintenance and, completion of the plan.

- Amount of Financial Guarantee

  The established amount of the financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the implementation and maintenance of the soil-erosion and sedimentation control plan, plus a contingency amount not exceeding ten percent (10%) of such total costs. Such amount shall be calculated by the Town Engineer and approved by the Town Planning and Zoning Commission.

- Form of Financial Guarantee

  The Town Planning and Zoning Commission or designated agent may accept a surety bond, and shall accept a letter of credit, cash bond, passbook or statement saving account, and other financial guarantees, provided that such other financial guarantees are in a form acceptable to the Town's Planning and Zoning Commission and Director of Finance. Determination of acceptability will be made on a case by cases basis and will include, where applicable, the financial strength of the financial institution the terms of the instrument evidencing the financial guarantee.

- Posting/ Releasing Financial Guarantee

  The financial guarantee shall be posted, for those measures in the certified soil-erosion and sedimentation control plan that are scheduled for installation, prior to commencement of any site improvements on the parcel that is subject to the certified soil- erosion and sedimentation controls. All requests to release a financial guarantee shall be submitted on the approved Town of East Hartford Financial Guarantee Release/Reduction Form. Incomplete forms will not be processed. Once the Town of East Hartford Financial Guarantee Release/Reduction Form is submitted, the Town Engineer shall make an inspection and provide the person posting such financial guarantee with a written explanation of any additional work that must be completed before the financial guarantee or portion thereof may be released. If work is complete the Town Engineer shall make a recommendation to the Town Planning and Zoning Commission concerning the release of the financial guarantee. No financial guarantee or any portion thereof shall be released without the

[64] *Article II, Section 217- Soil Erosion and Sedimentation Control Regulations. Effective April 30, 2015.*
[65] *Article II, Section 217.5 Financial Guarantee. Effective April 30, 2015*

approval of the Town Planning and Zoning Commission, which shall determine that no further Town supervision of the certified soil- erosion and sedimentation control plan or its maintenance is required. All requests for financial guarantee releases or reductions shall be processed not later than sixty-five days after receiving such request.

- Inspections and Increase of Financial Guarantee

  The Town Planning and Zoning Commission or its designated agent may make inspections during construction to ensure that the certified soil- erosion and Sedimentation control plan is adequately implemented and maintained. If the Town Planning and Zoning Commission should determine that further soil-erosion and sedimentation control measures are required, and the amount of the financial guarantee is therefore insufficient, the Town Planning and Zoning Commission may require an additional financial guarantee to augment the original financial guarantee.

- Use of Financial Guarantee

  It is the applicant's responsibility to anticipate unforeseen erosion or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of East Hartford face imminent danger of pollution or obstruction from erosion and sedimentation and the applicant's or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of erosion and sedimentation. If the Town Planning and Zoning Commission determines that unforeseen developments or emergencies require immediate remedial action, or that the certified soil-erosion and sedimentation control plan is not being properly and adequately implemented, maintained, or completed. The Town Planning and Zoning Commission may, after due notice, draw on the financial guarantee to defray the costs of any measures undertaken by the Town of East Hartford or any agent or contractor hired by the Town of East Hartford to address such an emergency or to implement, maintain, or complete the certified soil-erosion and sedimentation control plan. The owner and developer of any parcel subject to a bond pursuant to this section shall be deemed to have granted permission to the Town Planning and Zoning Commission or its designated agent or any contractor hired by the Town of East Hartford to enter such parcel to address such an emergency or to implement, maintain, or complete the certified soil-erosion and sedimentation control plan. The Town of East Hartford shall not be liable for any damage to real or personal property while undertaking to implement, maintain, or complete the certified soil- erosion and sedimentation control plan. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified soil erosion and sediment control plan if above and beyond the posted financial guarantee.

217.6 Administration and inspection

Inspection may be made by the Engineering Division during development to ensure compliance with the certified *soil-erosion and sediment-control plan* and that control measures are properly performed and facilities installed and maintained. The Engineering Division shall be allowed to access the project site at any time. Prior to initiation of development activity, the permittee shall place on file with the Engineering Division a letter identifying designated *person*(s) responsible for implementation of the certified *soil-erosion and sediment-control plan* and with whom inspectors representing the Town may communicate routinely. The Town Engineer in his sole discretion is authorized to make minor field adjustments to the approved *soil-erosion and sediment-control plan*, provided that such adjustments are not in conflict with the approved *soil-erosion and sediment-control plan* and that those adjustments are in conformance with these zoning regulations.

Applications for major amendments or *modification*s to the *soil-erosion and sediment-control plan* shall be made in the same manner as the original application. It is the applicant's responsibility to anticipate unforeseen *erosion* or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of East Hartford face imminent danger of pollution or obstruction from *erosion* and

sedimentation and the applicant's or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of *erosion* and sedimentation. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified *soil-erosion and sediment-control plan*.

217.7 [66]Approved plans shall be filed prior to the start of any work. The applicant shall file four (4) paper prints and one (1) digital copy pursuant to Section 705.2.b.1(e) of the approved certified *soil-erosion and sediment-control plan* with the Town Engineer. The following statement shall be placed on the filed plans:[67]

"The East Hartford Planning and Zoning Commission certifies that the *soil-erosion and sediment-control plan* complies with the requirements the Town of East Hartford regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 1985, as amended. The applicant under this plan is responsible for ensuring compliance with the plan. The Town of East Hartford shall not be held liable for improper installation, lack of maintenance, or other neglect on behalf of the applicant."

Approval Date _____

Chairman _____

Section 218 Natural Resources Removal and Filling

The excavation or removal of earthen materials is an activity requiring a Special Permit under Section 207 for natural resources removal and filling and is additionally subject to the following requirements:

218.1 Intent

The purpose of these regulations is to control the conditions and operations of excavating, *grading*, filling and removal of earth, sand, stone, gravel, *soil*, minerals, loam, fill, clay, peat moss, and but not limited to, any other earth products. This section further is intended to conserve and reserve water storage areas, and to assure that *erosion* and sedimentation are minimized; water pollution is prevented; hazards inherent to open pits and steep slopes of loose earth are prevented; nuisances such as excess or uncommon traffic, noise, odor, dust are minimized; visual blight is controlled, and the productive usage of land is maintained. Furthermore, nothing in these regulations shall be construed as eliminating the need for any other regulatory permit.

218.2 Exemptions

In any instance involving excavation operations, such operations may only begin after receiving a Special Permit for natural resource removal and filling in accordance with Section 218.3 and these regulations with the following separate categorical exceptions:

a. Excavation operations within the legal highway rights-of-way held by either the State of Connecticut or the Town of East Hartford;

b. Any excavation operations necessary for an approved subdivision/resubdivision, special permit use or site plan.

c. Plowing, spading, cultivating, harrowing or dicing of *soil* or any operation usually and ordinarily associated with the tilling of the *soil* for agricultural or horticultural purposes.

d. Any operation for the purpose of *soil* and water conservation as defined or prescribed by the Soil Conservation Service of the United States Department of Agriculture.

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[66] *Article II, Section 217.7 Administartion and inspection. Effective April 30, 2015*

[67] *Article II, Section 217.7 Administration and inspection. Effective March 30, 2016*

e. Necessary excavation/filling in connection with resurfacing of existing privately owned sidewalk, parking lot or driveway, provided it does not adversely change the existing watershed characteristics.

f. Any excavation/filling on any *lot* as defined in these regulations of no more than twenty-five (25) cubic yards of earthen material.

g. Excavation/filling operations for the construction of one- and two- *family* permitted dwellings and permitted *accessory structure*s.

h. Excavation/filling operations within a *premise* as a result of a bonafide *landscaping* or construction operation for which operation no *building* permit is required from the Town of East Hartford. The activity shall not result in removal or filling of more than two hundred fifty (250) cubic yards of earth products for each individual *lot*.

i. Any environmental remediation work involving excavation/filling required and monitored by the State of Connecticut Department of Environmental Protection.

j. Exemptions under this section shall not relieve the *owner* or *excavator* of the responsibility to conduct the operations in the following manner:

1. No interruption of natural drainage unless approved by the Town Engineer;

2. *Soil erosion* and sedimentation controls be implemented and maintained to minimize the environmental impacts; and

3. No creation of any condition hazardous to life or limb of any member of the public who may have access to the property or to the health, safety or welfare of the Town.

218.3 Application Procedure and Requirements

a. Application for special permit as prescribed in Section 207 for natural resources removal and filling shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least thirty-four (34) days prior to the regularly scheduled or special meeting of the Planning and zoning Commission during which the application is to be heard. The Commission shall thereupon and forthwith schedule and conduct a public hearing on such application in accordance with the applicable provisions of the General Statutes. Following such public hearing, it shall make adequate findings and conclusions based upon the evidence submitted to it.

b. The applicant shall display a *sign* or *sign*s that indicate that an application for a special permit has been filed for the area on which the *sign* or *sign*s have been posted. Said *sign* or *sign*s shall be erected and maintained by the applicant wherever the parcel abuts each public or private *street* from the day that the notice of public hearing has been posted until the first secular day following the public hearing. Furthermore, twenty (20) copies of the application shall be filed and shall contain the special permit requirements as set forth in Section 213 and the following information:

1. Address or location of subject parcel;

2. Size of subject parcel;

3. An estimate of the quantity of *soil* in cubic yards to be moved or deposited, broken down into separate figures, *topsoil* and other *soil;*

4. In the case of removal of *topsoil*, the amount to be removed from the Town shall be estimated and stated on the application;

5. The proposed dates of commencement and completion of work;

6. An estimate of the type and number of machines and other equipment to be used; the daily starting and finishing time during which such machines are to be operated;

7. Name, address, telephone number of petitioner(s);

8. Name, address, telephone number of *owner*(s);

9. Signature of *owner*(s);

10. Signature of petitioner(s); and

11. Names and addresses of all property *owner*s located within two hundred (200) feet of all the boundaries of the affected property according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating a two hundred (200) foot radius around the subject site.

c. Accompanying the application form shall be:

1. A check made payable to the Treasurer, Town of East Hartford, in the amount established by the Town of East Hartford;

2. Twenty (20) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by the Connecticut Association of Land surveyors, Inc. (1975), as subject to amendment) site plan clearly drawn by a licensed land surveyor to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes;

3. The dimensions of the land and the *lot* and block number of the land of each *lot* surrounding the land and within two hundred (200) feet thereof as shown on the last tax assessment map of the Town of East Hartford;

4. The present grade on a fifty (50) foot grid layout with contour lines at two (2) foot levels up to and including five (5) acres, or for more than five (5) acres, one hundred (100) foot grids with contour lines at five (5) foot level. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from the available State of Connecticut or United States Coast and Geodetic Survey Map of the particular area;

5. The existing elevations of all *building*s, *structure*s, *street*s, streams, bodies of water and water courses, natural or a artificial;

6. The proposed grades at points in subsection 4., above, when the work has been completed with same requirements as contained therein;

7. The quantity, in cubic yards, of the *soil* involved in the work;

8. The average depth of *topsoil* as determined by taking borings in the approximate center of each one hundred (100) foot grid; and

9. Proposed slopes and lateral supports at the limits of the area upon completion of the proposed work.

218.4 General Plan Requirements

a. The Planning and Zoning Commission may require a weekly inspection report on the operations and maintenance program for the proposed *soil-erosion* and *sediment*-control measures and storm water management facilities. Such report shall include as a minimum the following information:

1. Phase of areas to be stripped of vegetation;

2. A week's schedule of operations, including starting and completion dates for major improvement phases such as clearing, *grading*, paving, installation of drainage features;

3. A week's schedule of the vegetative measures such as temporary vegetative cover, permanent vegetative cover, sodding, trees, shrubs, vines and ground cover; and

4. A week's schedule of the dust-control measures and procedures.

b. The applicant shall provide for proper drainage of the area during the operation to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The final restoration plan shall provide for proper drainage upon completion of the operation.

c. No bank shall exceed a slope of 2:1 (horizontal-vertical). No excavation shall occur within fifty (50) feet of any property line except by mutual agreement of adjoining property *owner*s. Excavation below the established grade of a *street* will not be permitted within seventy-five (75) feet of any Town-accepted road or highway.

d. The entire excavation or land filling and-*grading* project carried out and authorized under and pursuant to permit issue in accordance with the provisions of these regulations shall be conducted and completed in such a manner as to not create any hazardous condition.

e. All tree stumps and other debris shall be removed from the property. In a landfilling operation, tree stumps and other debris shall not be permitted. Large stones/boulders and any other material acceptable to the State of Connecticut Department of Environmental Protection may be buried.

f. No excavating operation shall be conducted except as follows:

1. During the hours from 7:00 A.M. to 5:00 P.M. on weekdays only. Sunday operation is expressly excluded. These hours also include any subsidiary operation associated with the excavation operation such as but not limited to equipment warm-up, delivery of equipment, servicing of equipment.

2. Truck access to the excavation area shall be arranged as to minimize danger to traffic and pedestrians and nuisance to surrounding properties. The access road entrance shall have a dustless surface.

3. All trucks used in the operation shall be covered prior to driving on a Town *street* in such a manner that sand, dirt, or dust does not blow from said truck.

g. Disturbance within the preservable section of the area shall be minimized to avoid *erosion* and loss of vegetation.

h. Except as hereinafter provided, all *topsoil* so stored shall be uniformly replaced over the entire area or surface of the land on or before the completion date set forth in the *soil*-removal permit so that the final grades of said replaced *topsoil* shall conform to the proposed final grades shown on the topographical map. In the case of filling operation a layer of *topsoil* shall be uniformly placed over the area to conform to proposed final grades.

i. No *owner*, developer or *excavator* shall remove to any point beyond the boundary lines of the land in question any *topsoil* whatsoever, unless and until *topsoil* not inferior in quality to that to be removed shall have first been replaced as originally found or in any case not less than five (5) inches of compacted *topsoil* uniformly place over the entire surface of the land except those portions thereof that shall be or shall have become permanently covered by *building* or *structure*, *street*, pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway since the date of the filling of said topographic map. In no event shall the *owner*, developer or *excavator* remove from the land more *topsoil* that comprising the surplus or excess remaining after the replacement of the *topsoil* as aforesaid.

j. When transporting *soil* through any roadways in the Town, the permittee shall insure that such roads shall be cleaned of all dust, dirt and mud on a daily basis. Fugitive dust-control measures shall also be used as deemed necessary by the Director of Public Works.

k. The dimensions of the land and the *lot* and block number of the land of each *lot* surrounding the land and within two hundred (200) feet thereof as shown on the last tax assessment map of the Town of East Hartford.

l. The present grade on a fifty (50) foot grid layout with contour lines at two (2) foot intervals up to and including five (5) acres, or for more than five (5) acres, one hundred (100) foot grids with contour lines at five (5) foot intervals. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from the available Metropolitan District Commission, State of Connecticut or United States Coast and Geodetic Survey Map of the particular area whichever map affords the greatest degree of accuracy.

m. The existing elevations of all *building*s, *structure*s, *street*s, streams, bodies of water and water courses, natural or artificial.

n. The proposed grades at points in subsection b., above, when the work has been completed with same requirements as contained therein.

o. The quantities, in cubic yards, of both cut and fill for the *soil* involved in the work.

p. The average depth of existing *topsoil* as determined by taking borings in approximate center of each one hundred (100) foot grid.

q. Proposed slopes and lateral supports at the limits of the area upon completion of the proposed work.

218.5 Review Standards

The standards that the Planning and Zoning Commission shall follow in considering and reviewing the application and in arriving at its decision are as follows:

a. All special permit standards as noted in Section 207.3;

b. Potential *soil erosion* by water and wind;

c. Proposed provisions for drainage;

d. *Soil* fertility;

e. Lateral support slopes and grades of abutting *street*s and land;

f. Present land values and uses and those contained in the Town of East Hartford Plan of Development; and

g. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Town.

218.6 Performance Bond Required

No *soil* removal or filling operation shall be conducted until the applicant has posted with the Finance Director a surety bond in favor of the Town executed by a surety company authorized to insure such bonds under the laws of the State of Connecticut. Such bond shall be in such amount and share and contain such conditions as the Commission may require.

The bond shall not be released until the Commission, upon certification by the Town Engineer, shall have determined that all work has been completed as per the Commission's approval. The applicant may, at its discretion, post a cash bond in lieu of a surety bond. Said cash bond shall be issued in the form of a certified check made out in the name of the Town of East Hartford. Interest on such cash bond shall accrue to the developer but shall not be payable until performance has been completed in accordance with the provisions of the regulations. No other forms of such bond will be accepted.

a. Bond release procedure shall be as follows:

   The applicant may request a reduction by letter to the Chairman of the Planning and Zoning Commission. The Chairman shall refer the matter to the Town Engineer who will, after an inspection, make a recommendation to the Commission. The Town Engineer has authority to make recommendations to the Commission on bond releases without request from the applicant, and the Commission may release said bond.

b. Bond renewal

   Any renewal of the special permit for natural resources and fill permit under Section 207.7 of these regulations is contingent upon renewal of the performance bond as required in this Section.

218.7 Administration and Enforcement

The Town Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of Section 218 of these regulations. He shall upon his initiative and whenever directed by the Planning and Zoning Commission inspect the *premises* for which permits have been granted to insure compliance with the conditions of approval and of these regulations. He shall immediately report all violations to the Corporation Counsel and take such action as may be necessary in the circumstances.

a. For the purposes of administering and enforcing the provisions of Section 218 of these regulations, any duly authorized officer, agent or employee of the Town shall have the right to enter into and upon lands in or upon which such *soil* removal or filling operations are being conducted to examine and inspect such lands and operations thereon.

Section 219 General Dimensional Zoning Exceptions For All Zoning Districts

219.1 Height

The height limitations of these regulations shall not apply to church spires, penthouses, cupolas, and similar parts of a *structure* not used for human occupancy, nor to chimneys, solar panels, tanks, skylights and similar mechanical appurtenances located above the roof level.

219.2 Projecting into required *yards*:

Nothing in these Regulations shall prohibit the projection of not more than two (2) feet into a required *side yard* of pilasters, chimneys, belt course, sills, cornices, or similar *building* architectural features, nor the planting of

landscaping of such spaces. Fire escapes may project not more than four (4) feet into any required *yard*. Porch *structure*s or stairs may project not more than five (5) feet into any required *yard*, as long as no roof projects over such stairs.

219.3 Active and passive solar energy systems projecting into required *yards*:

Nothing in these regulations shall prohibit the projection of apparatus needed for the operation of active and passive solar energy systems including but not limited to horizontal overhang over the south-facing glass areas up to one-half (0.5) of the height of the glazed opening, movable insulating walls and roofs, and detached *solar collector*s, reflectors, and piping, as long as they have no detrimental effect on the adjoining property.

Section 220 Nonconforming Lots

Where a *lot of record* at the time of the adoption of these regulations or any pertinent amendment thereto is smaller than the minimum *lot* size of the zone in which it is located, such *lot* may be used as a building site, provided that said *lot* shall have two (2) *side yard*s having a total width of at least twenty-five (25) percent of the width of the *lot*, but in no event shall a *side yard* be less than eight (8) percent of the width of the *lot*, with a minimum of six (6) feet in a residence zone, nor shall a *side yard* of more than fifteen (15) feet be required. If two (2) or more adjoining and vacant *lot*s of record are in single ownership at the time of the adoption of these regulations or any pertinent amendment thereto, and such *lot*s individually have less width or area than the minimum requirements than the zone in which they are located, such *lot*s shall be considered as a single *lot* or several *lot*s that meet the minimum requirements of these regulations for the zone in which such *lot*s are located.

Section 221 Lot Floor and Parking Area Requirements for Housing for Senior Citizens

Anything in these regulations to the contrary notwithstanding, the minimum lot area, floor area, and parking area per dwelling unit for any housing for senior citizens project shall be as follows:

221.1 *Lot area*

The minimum *lot area* of each *dwelling unit* in any housing for senior citizens project shall be one thousand (1,000) square feet.

221.2 Floor area

For a *dwelling unit* having one room intended or designed for sleeping purposes, the minimum floor area shall be three hundred twenty (320) square feet. For a *dwelling unit* having two (2) or more rooms intended or designed for sleeping purposes, the minimum floor area shall be four hundred (400) square feet.

221.3 Parking area requirements

One (1) space for each *dwelling unit.*

Section 222 Alcoholic Liquors

222.1 General distance requirements for consumption:

a. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption either on or off the *premises* if any part of such *building* or *premises* is situated:

1. Within five hundred (500) feet in a radius from any part of any *building* or *premises* used for the purpose of public schools, a duly authorized school other than a public school, *house of worship*[68], charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal town hall. The *warehouse* storage or bottling of alcoholic and spirituous liquors for wholesale distribution only and grocery store beer permits shall not be subject to these distance requirements.

b. Distance requirement for off-site consumption**:**

No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption off the *premises* if any part of such *building* or *premises* is situated:

1. Within fifteen hundred (1,500) feet in a radius from any other *building* or *premises* having any type of liquor permit where spirituous or alcoholic liquors are sold at retail and consumed off the *premises* other than a *building* or *premises* having one (1) of the following permits: grocery store beer permits; package store beer permits; druggist permit for beer only.

c. Distance requirement for on-site consumption**:**

No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors for consumption upon the *premises* if any part of such *building* or *premises* is situated;

1. Within one thousand (1,000) feet in a radius from any other *building* or *premises* having any type of liquor permit where spirituous or alcoholic liquors are consumed on the *premises* with the exception of those restaurants included under Section 222.1b, clubs, as defined in Ch. 545, sec. 30-1 of the State of Connecticut Liquor Control Act, and restaurants serving beer and wine only.

222.2 Measurement of distance requirement for a shopping center/mall

In applying the distance requirements of these regulations in the case of a proposed liquor permit located in a shopping center/mall defined herein, measurements shall be made from the main entrance to said permit *premises*.

222.3 Restaurants or catering halls serving alcoholic liquors

a. In those zoning districts where restaurants or catering halls serving alcoholic beverages are permitted, such use, whether occupying part of a *building* containing other uses or an entire *building structure* by itself, may be permitted by the Planning and Zoning Commission only by special permit use as specified in the Special Permit Use provision of Sections 207.2 through 207.8 of these regulations and shall also be subject to the following additional conditions:

1. No *sign* advertising alcoholic beverages by any brand name, slogan, symbol, or other means shall be visible from outside the *building*;

2. The principal purpose of the restaurant shall be the preparation and sale of food to be consumed on the *premises*. The principle purpose of the catering hall shall be the preparation and sale of food to be consumed either on or off premises. Such sale of alcoholic liquors shall be subordinate and incidental to the principal use of the *premises* as a restaurant or catering hall in which the patrons are primarily *person*s seated at tables where hot meals are served;

[68] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

3. The restaurant['s] facility or catering hall shall not produce nuisance, noise, or disturbance to adversely affect the health, safety, or comfort of others or detract from adjacent property values; and

4. The dining area shall have a floor area of at least one thousand (1,000) square feet exclusive of cocktail lounge and entertainment areas.

b. In the case of restaurants or catering halls having a dining fixed seating area with a floor area of at least three thousand (3,000) square feet exclusive of cocktail lounge and entertainment area, such uses shall not be subject to the distance requirements specified in Section 222.1c[69].

c. In no way shall the approval of a special permit use by the Planning and Zoning Commission for a restaurant permit for beer only or for beer and wine only be construed to include any other spirituous or alcohol liquor uses. Any change in use from beer only or beer and wine only requires reapplication to the Planning and Zoning Commission and shall be considered a new use and subject to all distance requirements of Section 222.1.

222.4 Discontinued Uses

The provisions of this regulation shall not be deemed retroactive, provided, however, that in the case of any such *building* or *premises* used for the sale or exchange of alcoholic beverages specified in Section 222 that has been voluntarily discontinued or has been voluntarily inoperative for a period of thirty (30) days, such use shall not be resumed except in conformity with the provisions of Section 222.3. The provisions of these regulations shall not apply to existing picnic parks, so called.

Section 223 Automobile Sales and Service

223.1 Garages and Service Stations

Except as provided in Section 223.4[70], no permit shall be issued for the erection or enlargement of a *commercial garage* for the storage or repair of more than five (5) motor vehicles or a motor vehicle service or gas filling station or for the conversion of any *premises* not so used to be used for such purposes in any Business or Industrial Zone if any part of the *lot* or plot in question is situated within a distance of five hundred (500) feet as measured along the public *street*s of any *lot* on which there exists:

a. A public school or a duly organized school other than a public school conducted for children under sixteen (16) years of age and giving regular instructions at least five (5) days a week for eight (8) or more months a year;

b. A hospital maintained as a charitable institution or a private hospital maintaining at least fifteen (15) beds for patients;

c. A *house of worship*[71] with a seating capacity of at least three hundred (300) *person*s;

d. A theater containing at least three hundred (300) seats;

e. A public library; or

f. A public playground.

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[69] *Amendment to Article II, Section 222.3, Addition of Catering Halls to Restaurants serving alcoholic beverages. Effective Date: May 4, 1999*
[70] *Amendment to Article II: General Provisions, Section 223. Effective Date: January 9, 2008*
[71] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

223.2 No such garage service station or gas filling station shall be permitted on a *lot* located between intersecting *street*s in which any of the uses described in 223.1 above exists.

223.3 No existing conforming *commercial garage* or a motor vehicle service station or gas filling station shall be deemed to become a *nonconforming use* through subsequent erection of such a school, hospital, theater, or library as defined above within the aforesaid prescribed area.

223.4 [70] Notwithstanding any provision of these regulations to the contrary, the Commission may waive Section 223.1 as to a particular lot or lots for which a convenience store and gas filling station are proposed if it finds, after public hearing, that:

a. The lot in question is proposed to be located within the Incentive Development Zone pursuant to Section 604;

b. Applications for zone change, special permit and site plan approval conforming with Section 604 have been filed;

c. The applicant has established to the satisfaction of the Commission that the project being proposed shall provide adequate protections and controls with respect to materials management and traffic circulation so as to ensure public health and safety;

d. The proposed project is otherwise in accord with the public interest, convenience, and welfare; and

e. A waiver shall not be issued if it is found that the proposed location is unsuitable due to the proximity of schools, *houses of worship*, theaters, or other places of public assembly, the location and character of intersecting streets, traffic conditions, width of highway, and effect on public travel, or that the proposed location will otherwise imperil the safety of the public.

Section 224 Outdoor Display, Exhibit or Storage of Motor Vehicles

224.1 Except as provided in Section 404.2n, no permit or certificate of zoning compliance shall be issued in any zone for the outdoor display, exhibition or storage of used motor vehicles or the parts of new or used motor vehicles, or motor vehicle trailers or parts thereof in any open *lot* or area or in or under any awning, tent, or other temporary *structure*, unless such display, exhibit, or storage be in conjunction with and adjacent to a bonafide, franchised sales agency engaged in the sale of new motor vehicles. Such display or storage and any *sign* in connection with such display or storage shall be set back from the *street line* a minimum distance of ten (10) feet. Such display or storage shall consist solely of vehicles of the type referred to in Section 224.2 hereof that are fully and mechanically equipped for operation under their own power upon the public highways. The provisions of this section shall not apply to any *person*, firm or corporation legally engaged in the merchandising of new motor vehicles, motor vehicles other than new, the parts of new or used motor vehicles, or motor vehicle trailers or parts thereof at the time of the adoption of this section.

224.2 Any person, firm or corporation legally engaged in the merchandising of motor vehicles other than new, pursuant to the provisions of Chapter 32 of the 1941 supplement to the General Statutes of Connecticut, or as the same may have been amended, shall display in any open lot or area or under any structure only motor vehicles that at all times are fully and mechanically equipped for operation under their own power upon the public highway. This section shall not be interpreted to mean that such motor vehicles shall carry registration plates or shall be equipped with a battery. No such display shall be maintained in any manner that endangers public safety or the general welfare of the community or constitutes a threat to the securing of safety from fire or represents serious overcrowding of land or premises, or tends to deteriorate such properties or depreciate the value of surrounding land and buildings.

224.3 The Zoning Enforcement Officer for the Town of East Hartford is authorized and directed to inspect or cause to be inspected the vehicles displayed and the manner in which they are displayed pursuant to the provisions of this regulation. Any person, firm or corporation engaged in the merchandising of vehicles other than new shall at the request of the Director of Inspections & Permits permit and assist him at reasonable times to determine whether any violation exists with respect to motor vehicles displayed by such person, firm or corporation. The Director of Inspections & Permits shall report any violation to the proper authorities for prosecuting such violation.

Section 225 Commercial Wireless Telecommunication – General Requirement

225.1 The physical support structures for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed below in order of preference:

a. On existing structures, such as non-residential buildings, water towers and utility poles.

b. On existing or previously approved non-conforming/conforming rooftops and conforming towers with the exception of ham radio installations in single, two and three family detached dwellings.[72]

c. On new towers in Industrial and Business Zones.

225.2 The maximum height of any roof-top mounted equipment, building or box shall be fifteen (15) feet

225.3 Commercial wireless telecommunication sites located on nonresidential buildings shall be screened from direct view from all surrounding streets and driveways used by the public.

225.4 No commercial wireless telecommunication structure shall be located within five hundred (500) feet of a school or public playground attended by persons primarily under eighteen (18) years of age.

225.5 No commercial wireless telecommunication site shall be located within two hundred (200) feet of a residential zone.

225.6 All towers shall be monopole design structures unless otherwise approved by the Commission.

225.7 No lights shall be permitted on, or at, proposed towers unless otherwise required by F.A.A. for navigation purposes. Strobe lighting shall be permitted only where required by applicable regulations.

225.8 Dish antennae shall not exceed six (6) feet in diameter when mounted more than six (6) feet above grade. Panel antennae shall not exceed eight (8) feet in height[73].

225.9 No proposed commercial wireless telecommunication site shall be designed, located or operated so as to interfere with existing or proposed public safety communications, or reception of licensed broadcast band radio and television.

225.10 The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the F.C.C. for non-ionizing electromagnetic emissions. In the absence of such standards, the site shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.

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[72] *Amendment to Article II, Commercial Wireless Telecommunication - general requirements of the East Hartford Planning and Zoning Commission: addition of new Section 225.1 Effective Date: May 5, 2000.*

[73] *Amendment to Article II, Commercial Wireless Telecommunications, Section 225.8, Panel Antenna Height Change. Effective December 3, 2014.*

225.11 All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.

225.12 All accompanying equipment, buildings or boxes shall be screened and fenced as required by Section 702: Development Review and Approval process.

Section 226 General Requirements for Fixed Wireless Facility[74]

226.1 The maximum height of any rooftop mounted antenna, equipment, building or box shall not exceed fifteen (15) feet above the current building height.

226.2 Dish antenna associated with a fixed wireless facility shall not exceed two (2) feet in diameter.

226.3 A fixed wireless facility antenna that is visible from the public right-of-way adjacent to the building on which it is attached shall be painted to match the color of the building. Fixed wireless facility antennas that project above the highest point of the roof of the building shall be painted a light-blue or gray color.

226.4 Fixed wireless facility antennas mounted on the roof of the building shall be set back a minimum of three (3) feet from the nearest building facade, excluding mechanical penthouses, stair of elevator towers or similar roof top appurtenances.

226.5 No proposed fixed wireless facility shall be designed, located or operated so as to interfere with existing or proposed public safety, communications, or reception of licensed broadcast band radio and television.

226.6 All fixed wireless facilities shall comply with the standards promulgated by the F.C.C. for non-ionizing electromagnetic emissions. In the absence of such standards, the fixed wireless facility shall comply with the latest standards set by the Institute of Electrical and Electronic Engineers for safe human exposure to radio frequency emissions.

226.7 All generators installed in conjunction with any fixed wireless facility shall comply with all state and local noise regulations.

226.8 All accompanying equipment, buildings or boxes shall be screened and fenced as required by Section 702: Development Review and Approval Process.

Section 227 Landscaping, and Screening Areas – General Requirements[75]

227.1 Purpose

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands and aquifers.

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[74]*Amendment to Article II, New Section 226 General Requirements for Fixed Wireless Facility. Effective Date: September 1, 2000*

[75]*Amendment to Article II, New Section 227 General Requirements Landscaping and Screening Areas. Effective Date: August 31, 2001*

227.2 General Requirements

The following provisions shall apply to any use in all zoning districts:

a. Any portion of a developed lot or property which is not used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks, or similar purposes, shall be landscaped and maintained in such manner as to minimize storm water runoff.

b. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged.

   At the time of planting, trees shall be the following minimum size:
   - Shade trees: three-inch caliper measures three feet above grade
   - Evergreen trees: seven foot height
   - Flowering trees: two-inch caliper, single stem, eight foot height

c. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.

d. All landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.

e. To the extent possible, existing trees, vegetation, and unique site features such as stone walls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

f. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Commission may substitute planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.

g. In cases where the edge of the pavement or sidewalk within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street, pavement, or sidewalk.

227.3 Front Landscaped Area

A front landscaped area shall be required for all uses in all zoning districts. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one street shade tree shall be planted for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view.

a. Residential Districts

   In all residential districts, the required front yard, except for the driveway, shall be landscaped, but in no case shall it be required to exceed 30 feet from the front lot line.

b. Commercial and Industrial Districts

   In all non-residential districts, a strip of 10 feet wide along and contiguous to the front lot line shall be landscaped except if a more stringent standard is provided in the district regulation. Furthermore, in all non-residential districts a landscaped area 5 feet wide shall abut the front of the building.

227.4 Landscaped Parking Area

Refer to Section 209.1.d. and 209.1.e. Off Street Parking and Loading.

Section 228 Drive-Through Facilities[76]

228.1 Definitions

Words defined in this section have been identified within the text of this section by the use of italics. The following definitions apply only to Section 228.

a. **ACCESS:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

b. **CROSS ACCESS:** A service drive providing vehicular *access* between two or more contiguous sites so the driver need not enter the public street system.

c. **DRIVE-THROUGH FACILITY:** A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

d. **JOINT ACCESS (OR SHARED ACCESS):** A driveway connecting two or more contiguous sites to the public/private street systems.

e. **RESTRICTIVE MEDIAN:** A physical barrier in the roadway that separates traffic traveling in opposite directions, such as concrete barrier or landscaped island.

f. **QUEUING LANE:** An area of *stacking spaces* and driving lane provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.

g. **QUEUING/STACKING SPACE:** An area within a *queuing lane* for vehicles waiting to order and/or finish a drive-through transaction.

228.2 General Requirements for Drive-Through Facilities

a) Drive-through facilities, including required *queuing lane*(s), shall not be located in the required front yard;

b) *Queuing lane*(s) (stacking lanes) to the *drive-through facilities* shall be separated from other circulation lanes and shall be so identified by pavement striping or internal islands;

c) All *queuing lane*(s) shall be designed to prevent circulation congestion, both onsite and on adjacent public streets. The circulation shall:

1. separate drive-through traffic from site circulation,

2. not impede or impair *access* into or out of parking spaces,

3. not impede or impair vehicle or pedestrian traffic movement, and

4. minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. *Queuing lanes* shall not interfere with required loading and trash storage areas and

[76] *Amendment to Article 11, General Provisions: addition of new Section 228. Effective Date: March 1, 2006*

loading or trash operations shall not impede or impair vehicle movement. If said separate *queuing lane* is curbed, an emergency by-pass or exit shall be provided;

d) Entrances to *queuing lane*(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line at the street line to the beginning of the entrance. *Queuing lanes* shall not enter or exit directly into a public right-of-way. *Queuing lanes* shall be integrated with the on-site circulation pattern.

e) A system of joint use driveways and *cross access* easements shall be established wherever feasible utilizing the following standards:

1. A service drive or *cross access* corridor extending the width of the parcel.

2. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.

3. Median and other design features to make it visually obvious that the abutting properties may be tied to provide cross-*access* via a service drive/*cross access*.

f. The width of the *access* connections at the street line of the development shall not exceed thirty (30) feet, unless the traffic impact study identifies and the Town Planning and Zoning Commission agrees to the need for turning lanes from the development onto the adjacent public road;

g. For a site located at an intersection to two streets where no alternative exist, such as joint or *cross access*, the Town Planning and Zoning Commission may allow construction of an *access* connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/or a *restrictive median*) as required by the Town Planning and Zoning Commission.

h. Outdoor loudspeakers utilized for each drive-in window shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 Control of noise pollution emitted by sound amplifying equipment as amended. Any outdoor service facilities (including but not limited to menu boards, speakers, etc.) shall be a minimum of fifty (50) feet from the property line of residential uses. Menu boards shall be maximum of twenty (20) square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties, unless otherwise permitted or required by the Town Plan and Zoning Commission on a site specific basis following the submittal of supportive documentation and a determination of compliance with section 207.3a[77]

i. *Queuing lanes* shall be a minimum of ten (10) feet wide and each space shall be twenty-two (22) feet long;

j. A minimum of fourteen (14)-*queuing spaces* shall be provided onsite for each drive through station, including the vehicle being serviced. Where an order board and pick-up window are involved, a minimum of two (2) *queuing spaces* shall be provided before the window for a total of sixteen (16) *queuing spaces*. *Queuing spaces* shall not be calculated as part of required parking. The Town Planning and Zoning Commission may, based on the traffic impact study, allow a fifty percent reduction of the required *queuing spaces* provided that all calculated *queuing spaces* are unimpeded by other required standard parking spaces;

k. *Queuing lanes* shall be geometrically designed and strategically located so as to minimize traffic congestion and to promote pedestrian safety and shall be supplemented with pavement markings, signs, and designated walkways;

l. Vehicular emission control associated with *queuing lanes* shall be required in accordance with the following:

[77] *Amendment to Article 11, General Provisions: Drive-Through Facilities, Section 228.2h. Effective Date: May 10th, 2012*

1. Applicants shall demonstrate what steps will be employed to protect employees of the *drive-through facility* from emissions caused by idling vehicles.

2. *Queuing lanes* shall not be located adjacent to patios and other pedestrian use areas, other than walkways.

3. *Queuing lanes* are discouraged in close proximity to residential uses, existing or planned.

m. Traffic Impact Study shall be required in accordance with the following:

1. A State of Connecticut registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study.

2. Existing traffic conditions- average daily a.m. and p.m. peak hour volumes, average and peak speeds, sight distances, accident data for the previous three (3) year, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within one thousand (1000) feet of the project boundaries, and shall be no more than six (6) months old at the date of submission of the application, unless other data is specifically approved by the Town Planning and Zoning Commission.

3. Projected traffic conditions for design year of occupancy shall include: statement of design year of occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved, under construction and/or are pending before a Town of East Hartford Land Use Board.

4. Projected impacts on the proposed development shall include projected peak hour and daily traffic generated by the development on roads and private drives in the vicinity of the development, sight lines at the intersections of the proposed *access* connection and adjacent streets, analysis of the proposed drive-through with emphasis on location of *queuing lanes* and overall number of *queuing spaces* and its overall interaction with the proposed site, existing and proposed traffic controls in the vicinity of the proposed development, and the projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in subsection 3 above).

5. Proposed mitigation methods to be employed as follows: A plan with supporting text to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, dedicated employee parking areas, promoting use of public transit or carpooling, or other appropriate means, and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems. Mitigation measures shall be proposed to insure that the impact of the project maintains the same Level of Service or better to all streets or intersections in the general area.

Section 229 Prohibited Security Gates For Business & Industrial Zoned Properties[78]

a. Exterior Security Gates

1. No owner or occupant of any property shall install or maintain or cause to be installed or maintained on any building or structure within the Town of East Hartford a security gate or door of any make, manufacture, design or material, including but not limited to gates or doors more commonly referred to as “roll-up gates”, “roll-up doors”, “roll-up grilles”, “roll-up shutters”, “rolling doors” or “folding gates” visible from the street R.O.W.

[78] *Amendment to Article II, Addition of Section 229 Prohibited Security Gates. Effective May 1, 2014.*

b. Interior Security Gates

2. No owner or occupant of any property shall install or maintain or cause to be installed or maintained in the interior of any building or structure within the Town of East Hartford a security gate or security door of any make, manufacture, design or material unless such gate or door shall allow the interior of the building to be clearly visible from the street R.O.W. Prior to any interior security gate installation approval from the Director of Permits and Inspections to ensure that it complies with this section. This provision shall not apply to any security gate or door in a location that is not visible from the street R.O.W.

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ARTICLE III: RESIDENTIAL DISTRICT ZONING REGULATIONS

Section 300 Residential Zones

The following regulations and the general regulations contained in Article II shall apply in the Residence Zones:

Section 301 Residence 1 (R-1) Zone

301.1 Permitted Uses

a. One-*family* dwellings

b. *Accessory structures* and uses as enumerated in Section 214

c. *Sign*s

d. Public parks and open space

301.2 Special Permit Uses

a. Commercial farms, provided that:

1. They not include the raising of swine or animals for pelts;

2. They are located on a *lot* of five (5) acres or more; and

3. Any *building* other than a dwelling shall be located one hundred (100) feet from any *lot line*.

b. *Houses of worship*[79], convents and similar uses and Colleges provided that:

1. Minimum *lot* size be forty thousand (40,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required *front* or *side yard;*

3. *Front* and *side yard*s shall be two (2) times the required *side* and *front yard*s for permitted uses; and

4. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

c. Non-profit donation drop-off boxes[80] when associated with a legally conforming House *of Worship* provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

R-1 ZONE

[79] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[80] *Amendment to Article III, Section 301.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

d. A non-profit *educational group care facility*, provided that:

1. Said *educational group care facility* is not within five hundred (500) feet of a similar facility; and

2. The development of the *premises* and the construction or remodeling of the *building* shall be compatible with the surrounding neighborhood and residence district.

e. *Truck garden*s, greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more.

301.3 *Lot* Sizes and Areas

Each *lot* shall have a width of at least one hundred fifty (150) feet and an area of at least thirty thousand (30,000) square feet and shall be of such shape that a square with one hundred (100) feet on each side will fit on the *lot* behind and along the required *setback* of the *front yard*. Each *lot* shall have a minimum of one hundred (100) feet of the *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

301.4 *Lot* Area per *Dwelling Unit*

The minimum *lot area* for each *dwelling unit* thereon shall be thirty thousand (30,000) square feet.

301.5 *Yard*s

a. Each *lot* shall have a *front yard* not less than fifty (50) feet in depth. (Refer to general requirement in Section 212) The requirement shall be reduced to forty (40) feet when it proven necessary to protect *solar access*.

b. Each *lot* shall have two (2) *side yard*s having a total width of thirty (30) feet, but no *side yard* shall be less than twelve (12) feet in width, except when it can be demonstrated that placement protects *solar access*, in which case the minimum *setback* will be reduced to ten (10) feet as long as the distance between *building*s exceeds thirty (30) feet.

c. Each *lot* shall have a *rear yard* of not less than fifty (50) feet in depth. *Solar access* standard allows it to be reduced to forty (40) feet.

d. Each separate *building* on a *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

301.6 *Lot Coverage*

All *building*s, including *accessory building*s, shall cover not more than fifteen (15) percent of the area of the *lot*.

301.7 Floor Area per *Dwelling Unit*

The minimum *livable floor area* per *dwelling unit* shall be at least one thousand (1,000) square feet for a *dwelling unit* occupying one (1) floor and at least one thousand two hundred (1,200) square feet for a *dwelling unit* occupying more than one (1) floor. In the case of a one and one-half *story* single-*family* dwelling, the total floor area for living quarters shall be one thousand two hundred (1,200) square feet, of which a first-floor area of eight hundred (800) square feet for living quarters shall be finished at the time the dwelling is erected.

301.8 Maximum Height

No *building* shall exceed thirty-five (35) feet in height.

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Section 302 Residence 2 (R-2) Zone

302.1 Permitted Uses

a. One-*family* dwellings

b. *Accessory structure*s and uses as enumerated in Section 214

c. *Sign*s

d. Public parks and open space

302.2 Special permit Uses

a. Commercial farms, provided that:

1. They not include the raising of swine or animals for pelts;

2. They are located on a *lot* of five (5) acres or more; and

3. Any *building* other than a dwelling shall be located one hundred (100) feet from any *lot line*.

b. *Houses of worship*[81], convents and similar uses and Colleges, provided that:

1. Minimum *lot* size be forty thousand (40,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required *front* or *side yard;*

3. *Front* and *side yard*s shall be two (2) times the required *side* and *front yard*s for permitted uses; and

4. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

c. Non-profit donation drop-off boxes[82] when associated with a legally conforming *House of Worship* provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

[81] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[82] *Amendment to Article III, Section 301.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

d. A non-profit *educational group care facility*, provided that:

1. Said *educational group care facility* is not within five hundred (500) feet of a similar facility; and

2. The development of the *premises* and the construction or remodeling of the *building* shall be compatible with the surrounding neighborhood and residence district.

e. *Truck gardens*, greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more.

302.3 *Lot* sizes and Area

Each *lot* shall have a width of at least one hundred (100) feet and an area of at least fifteen thousand (15,000) square feet and shall be of such shape that a square with ninety (90) feet on each side will fit on the *lot* behind and along the required *setback* of the *front yard*. Each *lot* shall have a minimum of seventy (70) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

302.4 *Lot Area* per *Dwelling unit*

The minimum *lot area* for each *dwelling unit* thereon shall be fifteen thousand (15,000) square feet.

302.5 *Yards*

a. Each *lot* shall have a *front yard* not less than forty (40) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the front *lot depth*. (Refer to general requirement in Section 212) The minimum *front yard* allowed under such solar exemption shall be no less than thirty (30) feet in depth.

b. Each *lot* shall have two (2) *side yard*s having a total width of twenty-five (25) feet, but no *side yard* shall be less than ten (10) feet in width, except when it can be demonstrated that placement protects *solar access*, in which case the minimum *setback* will be reduced to six (6) feet as long as the distance between *building*s exceeds twenty-five (25) feet.

c. Each *lot* shall have a *rear yard* of not less than forty (40) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the rear-*lot depth*. The minimum *rear yard* allowed under such solar exemption shall be no less than thirty (30) feet in depth.

d. Each separate *building* on a *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

302.6 *Lot Coverage*

All *buildings*, including *accessory buildings*, shall cover not more than twenty-five (25) percent of the area of the *lot*.

302.7 Floor Area Per *Dwelling unit*

The minimum *livable floor area* per *dwelling unit* shall be at least one thousand (1,000) square feet for a *dwelling unit* occupying one (1) floor and at least one thousand two hundred (1,200) square feet for a *dwelling unit* occupying more than one (1) floor. In the case of a one and one-half *story* single-*family* dwelling, the total floor area for living quarters shall be one thousand two hundred (1,200) square feet, of which a first floor area of eight hundred (800) square feet for living quarters shall be finished at the time the dwelling is erected.

302.8 Maximum Height

No *building* shall exceed thirty-five (35) feet in height.

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Section 303 Residence 3 (R-3) Zone

303.1 Permitted Uses

a. One-*family* dwellings

b. *Accessory structure*s and uses as enumerated in Section 214

c. *Sign*s

d. Public parks and open space

303.2 Special permit Uses

a. Commercial farms, provided that:

1. They not include the raising of swine or animals for pelts;

2. They are located on a *lot* of five (5) acres or more; and

3. Any *building* other than a dwelling shall be located one hundred (100) feet from any *lot line*.

b. *Houses of worship*[83], convents and similar uses and Colleges, provided that:

1. Minimum *lot* size be forty thousand (40,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required *front* or *side yard;*

3. *Front* and *side yard*s shall be two (2) times the required *side* and *front yard*s for permitted uses; and

4. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

c. Non-profit donation drop-off boxes[84] when associated with a legally conforming *House of Worship* provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

[83] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[84] *Amendment to Article III, Section 301.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

d. A non-profit *educational group care facility*, provided that:

1. Said *educational group care facility* is not within five hundred (500) feet of a similar facility; and

2. The development of the *premises* and the construction or remodeling of the *building* shall be compatible with the surrounding neighborhood and residence district.

e. *Truck garden*s, greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more.

303.3 *Lot* Sizes and Area[85]

Each lot shall have a width of not less than eight-five (85) feet and an area of at least ten thousand (10,000) square feet and shall be of such shape that a square with seventy (70) feet on each side will fit on the lot behind and along the required setback of the front yard. Each lot shall have a minimum of sixty (60) feet of street frontage on a State of Connecticut or Town of East Hartford duly accepted street.

Vacant or occupied lots which legally existed prior to September 30, 2001 shall have a minimum width of seventy-five (75) feet and an area of at least eight thousand (8,000) square feet and shall be of such shape that a square with sixty (60) feet on each side will fit on the lot behind and along the required setback of the front yard. Each lot shall have a minimum of fifty (50) feet of street frontage on a State of Connecticut or Town of East Hartford duly accepted street. The provisions of these regulations do not allow for lots without the required street frontage.

303.4 *Lot Area* per *Dwelling unit*[86]

The minimum lot area for each dwelling unit thereon shall be ten thousand (10,000) square feet. Vacant or occupied lots which legally existed prior to September 30, 2001 shall have minimum lot area for each dwelling unit of eight thousand (8,000) square feet.

303.5 *Yard*s

[85] *Amendment to Article III, Section 303.3, Lot Sizes and Area: changes in lot sizes and area. Effective Date August 31, 2001*

[86] *Amendment to Article III, Section 303.4, Lot Area per Dwelling Unit: changes in minimum lot area per dwelling unit. Effective Date August 31, 2001*

a. Each *lot* shall have a *front yard* not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the front *lot depth*. (Refer to general requirement in Section 212.) The minimum *front yard* allowed under such solar exemption shall be not less than twenty (20) feet in depth.

b. Each *lot* shall have two (2) *side yard*s having a total width of twenty (20) feet, but no *yard* shall be less than eight (8) feet in width, except when it can be demonstrated that placement protects *solar access*, in which case the minimum *setback* will be reduced to six (6) feet as long as the distance between *building*s exceeds twenty (20) feet.

c. Each *lot* shall have a *rear yard* not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the rear *lot depth*. The minimum *rear yard* allowed under such solar exemption shall be no less than twenty (20) feet in depth.

d. Each separate *building* on a *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

303.6 *Lot Coverage*

All *building*s, including *accessory building*s, shall cover not more than thirty-five (35) percent of the area of the *lot*.

303.7 Floor Area per *Dwelling unit*

The minimum *livable floor area* per *dwelling unit* shall be at least one thousand (1,000) square feet for a *dwelling unit* occupying one (1) floor and at least one thousand two hundred (1,200) square feet for a *dwelling unit* occupying more than one (1) floor. In the case of a one and one-half *story* single-*family* dwelling, the total floor area for living quarters shall be one thousand two hundred (1,200) square feet, of which a first floor area of eight hundred (800) square feet for living quarters shall be finished at the time the dwelling is erected.

303.8 Maximum Height

No *building* shall exceed thirty-five (35) feet in height.

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Section 304 Residence 4 (R-4) Zone

304.1 Permitted Uses

a. One-*family* dwellings

b. Two-*family* dwellings

c. Three-*family* dwellings

d. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders who are not members of the *family* of the resident proprietor.

e. One (1) office of a resident of the *premises* in the dwelling with not more than one (1) employee not resident on the *premises*, provided that such office is secondary and incidental to the use of the *premises* for dwelling purposes and does not change the residential character or appearance thereof and does not occupy more than twenty-five (25) percent of the floor area of the *dwelling unit*.

f. *Accessory structure*s and uses as enumerated in Section 214

g. *Sign*s

h. Public parks and open space

304.2 Special Permit Uses

a. Adaptive reuse of existing *structure*s to office *building*s and funeral homes, provided that:

1. The *lot* has frontage on and direct access to a *street* having a right-of-way of at least fifty (50) feet in width and a pavement of at least thirty (30) feet in width;

2. No parking shall be permitted in any required *front yard*; and

3. Not more than twenty-five (25) percent of the area of the *lot* shall be covered by *building*s.

b. Adult Daycare Facility[87], provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet

2. Adult Daycare Facility shall not change the essential character of the surrounding residential area, and shall not create a nuisance to the surrounding residential area relating to vehicular parking or noise. An Adult Daycare Facility shall not create additional vehicular congestion in excess of residential uses in the neighborhood;

3. Access to the facility shall be by means of a collector street or larger;

4. The hours of operation shall not exceed twelve (12) hours within a twenty-four (24) hour period. Activity between the hours of 8:00PM and 6:00AM shall be limited so that it is not disruptive to neighboring residents or businesses;

5. Outdoor activities shall be limited to daylight hours;

[87] *Amendment to Article III, Section 304.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: December 1, 2011*

6. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties;

7. All pick-up and drop-off area/s shall be provided with an inclement weather shelter and arranged and designed to avoid conflicts with vehicular parking and circulation patterns for the site;

8. Appropriate onsite garbage disposal facilities shall be provided as approved by the East Hartford Health Department;

9. An Adult Daycare Facility shall be certified by the Connecticut Association of Adult Day Centers in coordination with the Connecticut Department of Social Services within one year of opening the operations.

c. Commercial farms, provided that:

1. They not include the raising of swine or fur-bearing animals;

2. They are located on a *lot* of five (5) acres or more; and

2. Any *building* other than a dwelling shall be located one hundred (100) feet from any *lot line*.

i. Convalescent homes, provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet, plus one thousand (1,000) square feet of land area for each patient bed in excess of five (5) patient beds;

2. No parking shall be permitted in any required *front yard*;

3. A *front yard* shall be at least twenty-five (25) feet in depth;

4. A *rear yard* shall be at least forty (40) feet in depth;

5. Each *yard* shall be increased by one (1) foot in depth or width for each one (1) foot that such *building* exceeds thirty (30) feet in height; and

6. Not more than twenty-five (25) percent of the *lot* shall be covered by *building*s.

d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front yard* or *side yard*s of the *premises* on which such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop-off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designated and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

e. *Houses of worship*[88], convents and similar uses and Colleges, provided that:

1. Minimum *lot* size be forty thousand (40,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required *front* or *side yard*;

3. *Front* and *side yard*s shall be two (2) times the required *side* and *front yard*s for permitted uses; and

4. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

f. Hospitals, provided that:

1. In addition to the required minimum *lot* size, there shall be two thousand five hundred (2,500) square feet of land area for each patient bed; and

2. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

g. Non-profit civic clubs, lodges and recreation facilities, provided that:

1. Off-street parking or active recreation facilities shall not be located in any required *front* or *side yard*;

2 Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s;

3. Not more than seventy-five (75) percent of the area of the *lot* shall be occupied by active recreation facilities, picnic areas and similar recreation uses; and

4. Minimum *lot* size shall be forty thousand (40,000) square feet, with a minimum frontage on the *street* of one hundred (100) feet.

h. Non-profit donation drop-off boxes[89] when associated with a legally conforming *House of Worship* provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

[88] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[89] *Amendment to Article III, Section 304.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

i. A non-profit *educational group care facility*, provided that:

1. Said *educational group care facility* is not within five hundred (500) feet of a similar facility; and

2. The development of the *premises* and the construction or remodeling of the *building* shall be compatible with the surrounding neighborhood and residence district.

j. Truck gardens, greenhouses and plant nurseries, provided that:
1. They are located on a lot of two (2) acres or more.

304.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least seven thousand six hundred (7,600) square feet a width of at least seventy-five (75) feet. The *lot* shall be of such shape that a square with sixty (60) feet on each side will fit on the *lot* behind and along the required *setback* of the *front yard*.

Furthermore, each *lot* shall have a minimum of fifty (50) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

304.4 *Lot Area* per *Dwelling Unit*

The minimum *lot area* for each *dwelling unit* thereon shall be three thousand eight hundred (3,800) square feet.

304.5 *Yards*

a. Each *lot* shall have a *front yard* not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the front *lot depth*. (Refer to general requirement in Section 212) The minimum *front yard* allowed under such solar exemption shall be no less than twenty (20) feet in depth.

b. Each *lot* shall have two *side yard*s having a total width of twenty (20) feet, but no *side yard* shall be less than eight (8) feet in width, except when it can be demonstrated that placement protects *solar access*, in which case minimum *setback* will be reduced to six (6) feet as long as the distance between *building*s exceeds twenty (20) feet.

c. Each *lot* shall have a *rear yard* of not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the rear *lot depth*. The minimum *rear yard* allowed under such solar exemption shall be no less than twenty (20) feet in depth.

d. Each separate *building* on the *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

304.6 *Lot Coverage*

All *building*s, including *accessory building*s shall cover not more than thirty-five (35) percent of the area of the *lot*.

304.7 Floor Area per *Dwelling unit*

The minimum *livable floor area* for a single-*family* dwelling shall be at least one thousand (1,000) square feet for a *dwelling unit* occupying one (1) floor and at least one thousand two hundred (1,200) square feet for a *dwelling unit* occupying more than one floor. In the case of a one and one-half *story* single-*family* dwelling, the total floor area for living quarters shall be one thousand two hundred (1,200) square feet, of which a first floor area of eight hundred (800) square feet for living quarters shall be finished at the time the dwelling is erected. In the case of a two- or three-*family* dwelling, at least eight hundred fifty (850) square feet of *livable floor area* shall be provided for each *dwelling unit*.

304.8 Maximum Height

No *building* shall exceed thirty-five (35) feet in height.

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Section 305 Residence 5 (R-5) Zone

305.1 Permitted Uses

a. One-*family* dwellings

b. Two-*family* dwellings

c. Three-*family* dwellings

d. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders who are not members of the *family* of the resident proprietor.

e. One (1) office of a resident of the *premises* in the dwelling with not more than one (1) employee not resident on the *premises*, provided that such office is secondary and incidental to the use of the *premises* for dwelling purposes and does not change the residential character or appearance thereof and does not occupy more than twenty-five (25) percent of the floor area of the *dwelling unit*.

f. *Accessory structure*s and uses as enumerated in Section 214

g. *Sign*s

h. Public parks and open space

305.2 Special permit Uses

a. Adult Daycare Facility, provided that[90]:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet

2. Adult Daycare Facility shall not change the essential character of the surrounding residential area, and shall not create a nuisance to the surrounding residential area relating to vehicular parking or noise. An Adult Daycare Facility shall not create additional vehicular congestion in excess of residential uses in the neighborhood;

3. Access to the facility shall be by means of a collector street or larger;

4. The hours of operation shall not exceed twelve (12) hours within a twenty-four (24) hour period. Activity between the hours of 8:00PM and 6:00AM shall be limited so that it is not disruptive to neighboring residents or businesses;

5. Outdoor activities shall be limited to daylight hours;

6. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties;

7. All pick-up and drop-off area/s shall be provided with an inclement weather shelter and arranged and designed to avoid conflicts with vehicular parking and circulation patterns for the site;

[90] *Amendment to Article III, Section 305.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: December 1, 2011*

8. Appropriate onsite garbage disposal facilities shall be provided as approved by the East Hartford Health Department;

10. An Adult Daycare Facility shall be certified by the Connecticut Association of Adult Day Centers in coordination with the Connecticut Department of Social Services within one year of opening the operations

b. Commercial farms, provided that:

1. They not include the raising of swine or fur-bearing animals;

2. They are located on a *lot* of five (5) acres or more; and

3. Any *building* other than a dwelling shall be located one hundred (100) feet from any *lot line*.

c. Convalescent homes, provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet plus one thousand (1,000) square feet of land area for each patient bed in excess of five (5) patient beds;

2. No parking shall be permitted in any required *front yard*;

3. A *front yard* shall be at least twenty-five (25) feet in depth;

4. A *rear yard* shall be at least forty (40) feet in depth;

5. Each *yard* shall be increased by one (1) foot in depth or width for each one (1) foot that such *building* exceeds thirty (30) feet in height; and

6. Not more than twenty-five (25) percent of the *lot* shall be covered by *building*s.

d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front yard* or *side yard*s of the *premises* on which such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop-off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designated and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

e. *Houses of worship*[91], convents and similar uses and Colleges, provided that:

1. Minimum *lot* size be forty thousand (40,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required *front* or *side yard*;

3. *Front* and *side yard*s shall be two (2) times the required *side* and *front yard*s for permitted uses; and

4. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

f. Hospitals, provided that:

1. In addition to the required minimum *lot* size, there shall be two thousand five hundred (2,500) square feet of land area for each patient bed; and

2. Not more than fifty (50) percent of the area of the *lot* shall be occupied by *building*s.

g. Multiple-*family* dwellings, provided that:

1. The minimum *lot area* shall be two thousand five hundred (2,500) square feet per *dwelling unit* and the minimum *lot* size shall be ten thousand (10,000) square feet;

2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yard*s measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;

3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (1) foot for each *dwelling unit*, with maximum required frontage of one hundred fifty (150) feet;

4. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and with adequate emergency vehicle access to each dwelling *structure*;

5. Not more than twenty-five (25) percent of the area of the *lot* shall be covered by *building*s;

6. The *lot* shall have a *front yard* not less than thirty (30) feet in depth;

7. Each separate *structure* shall have *side* and *rear yard* separations between *building*s of at least thirty (30) feet, which separations shall be increased by one (1) foot for each additional one (1) foot such *structure* exceeds thirty (30) feet in height;

8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;

9. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *street*s not less than these widths;

10. No parking shall be permitted in any required *front yard*;

11. All parking and parking access drives other than garage access shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing with a minimum height of six (6) feet or by shrubs, hedges, planted *berm*s or trees of a sufficient mass to be opaque (see Design Review Manual);

[91] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

12. Each *dwelling unit* shall provide a minimum *livable floor area* of six hundred fifty (650) square feet in any efficiency or one (1) bedroom unit and shall provide an additional one hundred twenty-five (125) square feet of livable floor for each additional bedroom; and

13. Each multiple-*family* development shall provide open space and recreation areas at a minimum level of ten (10) percent of the total tract size for both active and passive recreation on the site. No more than fifty (50) of the open space area shall be composed of land that lies in a regulated F*lood* Hazard Zone, inland wetlands, or that is regulated by any other State or Federal environmental agency.

h. Non-profit civic clubs, lodges and recreation facilities, provided that:

1. Off-street parking or active recreation facilities shall not be located in any required *front* or *side yard*;

2 Not more than fifty (50) percent of the area of the *lot* shall be occupied by *buildings*;

3. Not more than seventy-five (75) of the area of the *lot* shall be occupied by active recreation facilities, picnic areas and similar recreation uses; and

4. Minimum *lot* size be forty thousand (40,000) square feet, with a minimum frontage on the *street* of one hundred (100) feet.

i. Non-profit donation drop-off boxes[92] when associated with a legally conforming *House of Worship* provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special There must be no more than two (2) donation drop-off boxes per *lot*;

7. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

8. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of

[92] *Amendment to Article III, Section 305.2, Residential District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

9. permit application;

j. A non-profit *educational group care facility*, provided that:

1. Said *educational group care facility* is not within five hundred (500) feet of a similar facility; and

2. The development of the *premises* and the construction or remodeling of the *building* shall be compatible with the surrounding neighborhood and residence district.

k. Office *building*s and funeral homes, provided that:

1. The *lot* has frontage on and direct access to a *street* having a right-of-way of at least fifty (50) feet in width and a pavement of at least thirty (30) feet in width;

2. No parking shall be permitted in any required *front yard*; and

3. Not more than twenty-five (25) percent of the area of the *lot* shall be covered by *building*s.

l. *Truck garden*s, greenhouses and plant nurseries, provided that:

1. They are located on a *lot* of two (2) acres or more.

305.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least seven thousand six hundred (7,600) square feet a width of at least seventy-five (75) feet. The *lot* shall be of such shape that a square with sixty (60) feet on each side will fit on the *lot* behind and along the required *setback* of the *front yard*.

Furthermore, each *lot* shall have a minimum of fifty (50) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

305.4 *Lot Area* per *Dwelling unit*

The minimum *lot area* for each *dwelling unit* thereon shall be three thousand eight hundred (3,800) square feet.

305.5 *Yard*s

a. Each *lot* shall have a *front yard* not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the front *lot* depth. (Refer to general requirement in Section 212) The minimum *front yard* allowed under such solar exemption shall be no less than twenty (20) feet in depth.

b. Each *lot* shall have two (2) *side yard*s having a total width of twenty (20) feet, but no *side yard* shall be less than eight (8) feet in width, except when it can be demonstrated that placement protects *solar access*, in which case minimum *setback* will be reduced to six (6) feet as long as the distance between *building*s exceeds twenty (20) feet.

c. Each *lot* shall have a *rear yard* of not less than twenty-five (25) feet in depth, except when it can be demonstrated that *solar access*, protection or control of the south-facing wall of the *structure* will be substantially hindered by the rear *lot depth*. The minimum *rear yard* allowed under such solar exemption shall be no less than twenty (20) feet in depth.

d. Each separate *building* on the *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

305.6 *Lot coverage*

All *building*s, including *accessory building*s shall cover not more than thirty-five (35) percent of the area of the *lot*.

305.7 Floor Area per *Dwelling unit*

The minimum *livable floor area* for a single-*family* dwelling shall be at least one thousand (1,000) square feet for a *dwelling unit* occupying one (1) floor and at least one thousand two hundred (1,200) square feet for a *dwelling unit* occupying more than one (1) floor. In the case of a one and one-half *story* single-*family* dwelling, the total floor area for living quarters shall be one thousand two hundred (1,200) square feet, of which a first floor area of eight hundred (800) square feet for living quarters shall be finished at the time the dwelling is erected. In the case of a two- or three-*family* dwelling, at least eight hundred fifty (850) square feet of *livable floor area* shall be provided for each *dwelling unit*.

305.8 Maximum Height

No *building* shall exceed thirty-five (35) feet in height.

Section 306 Residence 6 (R-6) Zone

306.1 Permitted Uses

Any use permitted in the Residence 3 (R-3) Zone, provided that dwellings shall conform to the requirements of Sections 303.3, 303.4, 303.5, 303.6, 303.7, 303.8.

306.2 Special Permit Uses

*Mobile home park*s (also known as manufactured home parks as defined in Section 200), provided that:

a. *Mobile home park*s shall upon passage of these regulations be permitted in the Residence 6 (R-6) Zone subject to compliance with the provisions of this section. Nothing herein is intended to convey that *mobile home space*s as created under the provisions of this section may be sold as individual *lot*s;

b. No *major recreational equipment* as defined in Section 200 shall be permitted on a *mobile home space* or drive, except under the following conditions:

   1. For purposes of loading and unloading before and after recreational use;

   2. For purposes of cleaning and repairing, except motor and mechanical vehicle parts of such equipment;

   3. Parking of such equipment shall not be permitted more than twice in one (1) week for a period not exceeding twelve (12) hours each time; and

   4. *Mobile home park* management may designate an area within the *mobile home park* for the permanent storage of such equipment, which area shall conform to the distance requirements of Section 306.2i3.

c. No individual *mobile home* shall be occupied as a residence on any individual *lot* outside of a *mobile home park*;

d. The display, storage or commercial sale of *mobile home*s is expressly prohibited on the *premises* of any *mobile home park*. This shall not be construed to prohibit any sale of a mobile home where a valid certificate of occupancy has been issued by the Town of East Hartford.

e. No *person* shall establish or engage in the construction of any *mobile home park* or make any addition or alteration to any existing park that changes the number of spaces for *mobile home*s within the park or affects the facilities therein until he first secures a construction permit in accordance with procedure for the applicant's securing such a permit and assuring the Town that the requirements of the permit are complied with shall consist of the following:

   1. A *mobile home park* plan containing the information prescribed in Section 306.2f shall be prepared and submitted to the Planning and Zoning Commission for approval;

   2. A check made payable to the Treasurer, Town of East Hartford, in the amount determined by the Town of East Hartford;

   3. No plan is required to be prepared to make minor facility improvements (not including public utilities) in an existing *mobile home park* in which the number of *mobile home space*s within the park is not affected. When no plan is required, applications for a construction permit may be made directly to the Building Inspector. When a plan is required, the applicant must first secure the approval of the Planning and Zoning Commission before making such application to the Building Inspector;

4. If the application contains the necessary information and the requirements of this section are complied with, the permit shall be issued. Construction permits shall be nontransferable except with the written consent of the Building Inspector;

5. The Building Inspector shall make an examination of the construction at any reasonable time to determine whether the work is being done according to approved plans and specifications, and the *owner* shall make available any records, test data or other information essential to such determination;

6. An occupancy permit shall not be issued until all terms and conditions as stipulated in the construction permit have been complied with; and

7. When any land, easements or rights-of-way are to be dedicated to public use, a final plan shall be prepared, approved and recorded as required by the Town of East Hartford subdivision regulations.

f. Application for a construction permit hereunder shall be made in writing to the Commission (or Building Inspector, when applicable) and shall include the following:

1. The name of the *mobile home park*, the name(s) and the address(es) of the real party(ies) in interest if other than the applicant;

2. Proof of ownership, option or valid lease;

3. Construction permit fee;

4. One (1) original and four (4) prints of a site plan made by a licensed surveyor under seal at a scale of not less than one (1) inch to one hundred (100) feet, being an overall size of not larger than twenty-five (25) inches by thirty-seven (37) inches (including border) that contains the following information:

(a) Date, approximate north arrow, and scale;

(b) The boundary line of the tract with accurate linear and angular dimensions drawn to scale;

(c) Contours with a vertical interval of two (2) feet referred to seal level datum;

(d) The locations of existing and platted property lines, *street*s, *building*s, watercourses, railroads, bridges, water mains, sewers, culverts, drainpipes and any utility easements, both on the land to be developed into a *mobile home park* and on land immediately adjoining, and the names of adjoining subdivisions or the names of recorded *owner*s of adjoining parcels of land according to Assessor's records;

(e) The names, locations and dimensions of proposed *street*s, alleys, drives, parking areas, entrances, exits, walkways, easements, recreation areas, parks and other reservations, *building line*s and *mobile home space*s within the park; such *mobile home space*s shall be identified with specific numbers;

(f) When deemed necessary by the Building Inspector or Town Engineer, profiles of all proposed Town-accepted *street*s showing natural and finished grades drawn to a scale of not less than one (1) inch to forty (40) feet horizontal and one (1) inch to four (4) feet vertical;

(g) Plans of proposed utility layouts (sewer lines, water lines, storm drainage, electric lighting, etc.) showing feasible connections to existing utility systems; also, the location and number of garbage receptacles provided, if any**;**

(h) The following requirements shall apply forthwith to all existing and proposed *mobile home park*s, provided however, that the Commission may require additional improvements as may in its judgments be required by specific circumstances.

(1) Minimum Size

No *mobile home park* shall be located on a tract of land which is less than ten (10) acres in size; such ten (10) acres shall be devoted to *mobile home park* purposes only. Each park shall contain not less than seventy-five (75) *mobile home space*s, provided that seventy-five (75) spaces shall be developed before an occupancy permit can be issued.

(2) *Mobile home space*s

Every mobile home space shall contain not less than three thousand (3,000) square feet and shall be not less than thirty-five (35) feet in width, measured perpendicular to the long axis of the mobile home. Each mobile home space shall be defined by permanent corner markers.

(3) Arrangement of *mobile home*s

Mobile homes shall be parked one (1) to a space. Mobile homes and their structural additions therein shall not be located closer than:

(a) Five (5) feet from any boundary of a *mobile home space*;

(b) Fifteen (15) feet from any other *mobile home* in the park;

(c) Twenty (20) feet from any *building*;

(d) Ten (10) feet from the *mobile home park* property line; and

(e) Six hundred (600) feet from any existing or proposed public *building*, public highway, public park, or school.

(4) Drives

Every mobile home space shall abut a private drive within the mobile home park. Such private drives serving mobile home spaces shall be graded, well drained and at least forty (40) feet in width. At least twenty-four (24) feet of the drive width shall be paved with a minimum of one and one-half (1.5) inches of asphalt or other Town-approved material. When cul-de-sacs are used, a turn-around with a paved radius of at least forty (40) feet shall be constructed in accordance with Town standards.

(5) Off-street parking

Off-street parking shall be provided as required in Section 209 of these regulations. Each *mobile home space* shall be provided with at least one (1) space. Additional *parking space*s required for the park shall be in a centrally located parking *lot*.

(6) Patios, walkways and sidewalks

Each *mobile home space* shall be provided with a patio/deck of at least one hundred eighty (180) square feet constructed of concrete, brick, flagstone, wood, or other such hard surface material (not including asphalt) and a similarly paved walkway of at least thirty (30) inches in width leading from the drive or off-street *parking space* to the patio. A sidewalk shall be provided in accordance with Town standards along one (1) side of the entrance roadway leading into the park from the public thoroughfare(s) serving as access to the park. Such sidewalk shall extend from the public thoroughfare to the first cross drive located within the park.

(7) Service *buildings*

(a) Within a *mobile home park* one (1) *mobile home* may be used as an administrative office. Any administrative and public service *buildings*, if provided, housing sanitation and laundry facilities shall be of permanent *structure* complying with all applicable ordinances of the Town and State regarding *buildings*, electrical installations, plumbing, sanitation systems, etc.

(b) Public service *buildings*, if provided, shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material (including painted woodwork) as will permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit. The floors of public-service *buildings* shall be of water-impervious material.

(c) All service *buildings* and grounds of the park shall be maintained in a clean, sightly condition and kept free from any condition that would menace the health of any occupant or the public or constitute a nuisance.

(d) Service and auxiliary *buildings* in a *mobile home park* shall be constructed in accordance with regulations adopted by the Town Board of Health and other applicable town regulations.

(8) Recreation and open areas

Not less than eight (8) percent of the area of the park site shall be devoted to recreation facilities or open space. Recreation facilities shall include community *buildings*, *swimming pools*, adult recreation and child play areas. Recreation and open space areas shall not be developed for any other use and shall be maintained by the park *owner* for the life of the park.

(9) Drainage

The *mobile home park* shall be located on ground situated so it is not susceptible to *flooding*, and graded to prevent any water from ponding or accumulating on the *premises*. Storm-water drainage facilities shall be provided in accordance with Town requirements.

(10) Refuse collection

Refuse collection shall be the responsibility of the *mobile home park owner*, provided that collections shall be twice weekly. The owner and resident shall comply with the recycling ordinance of the Town of East Hartford and amendments thereto.

(11) Utility system

(a) The *owner* of a *mobile home park* shall provide each *mobile home space* located therein with an approved water supply and sewerage disposal system in accordance with requirements of the East Hartford Health Department. The *Health Officer* may, if needed for the preservation of the public health, require specific auxiliary *buildings* or facilities to be constructed or installed within the park and may, in addition, require that the *mobile home space* constructed in the park be of greater area than specified in these Regulations.

(b) In regard to utility installations involving gas, oil, telephone and central TV systems, requirements specified by State and local agencies and departments having jurisdiction shall be complied with.

g. Design exceptions

When an arrangement can be shown to provide more useful open space without infringing upon the privacy of *mobile home* dwellers or neighboring property *owner*s, or when the use of screening devises can be shown to compensate for any slight reductions in space between *mobile home*s and another *building*s or properties, the Planning and Zoning Commission may approve a revised design plan if, in its opinion, the *mobile home park* plan submitted is equal to or better than an arrangement that would conform to Section 306.2i of these Regulations. No minimum dimension shall be reduced by more than twenty (20) percent. For each square foot of land gained within a *mobile home park* through a reduction a *lot* size below the minimum requirements, equal amounts of land shall be retained as open space for park, recreation and related uses. This open space shall not be developed for any other use and shall be maintained by the *mobile home park owner* for the life of the park.

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ARTICLE IV: BUSINESS DISTRICT ZONING REGULATIONS

Section 400 Business Zones

The following regulations and the general regulations contained in Article II shall apply in all Business Zones.

Section 401 Business 1 (B-1) Zone

401.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. Antique and second-hand stores, provided there be no outside storage or display of inventory
2. Convalescent homes
3. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more
4. Manufacturing, compounding or processing of goods to be sold at retail on the *premises*
5. Newspaper and job printing
6. Non-profit civic clubs, lodges and recreation facilities
7. Offices and financial institutions
8. One-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8
9. *Restaurant/eating establishment*s
10. *Restaurant/automobile oriented use* provided it is an integral part of a *shopping center/mall* as defined in Section 200 of these regulations
11. *Service establishment*s "Commercial" and service establishments "Personal Tier (I)"[93]
12. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*
13. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless within the roofed area of the *building*
14. *Telecommunication Sites (Commercial Wireless*)[94], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.
15. Three-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

[93] *Amendment to Article IV, Section 401, Business District Zoning Regulations, Effective Date: September 2, 2015*
[94] *Amendment to Article IV, Section 401.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*

16. Two-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

b. Permitted *accessory use*s and use

1. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), when incidental to offices and financial institutions

2. Exterior parking

3. *Home occupation*s incidental to one- , two- and three-*family* dwellings

4. Interior storage of goods

5. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[95]:

   (a) Licensed medical practice

   (b) Licensed chiropractic practice

   (c) Licensed physical therapy practice

   (d) Licensed sports medicine practice

   (e) Fitness and training center

   (f) Multi-disciplined beauty salon business

6. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[96]:

   (a) Cages must be placed within the buildable area of the lot;

   (b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

   (c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

   (d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

   (e) There must be no more than two (2) propane exchange cages per lot;

   (f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

   (g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

[95] *Amendment to Article IV, Section 401, Business District Zoning Regulations, Effective Date: September 2, 2015*
[96] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

7. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders who are not members of the *family* of the resident proprietor only when incidental to one-, two-, and three-*family* dwellings

8. *Signs*, subject to the provisions of Sections 210

9. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that[97]:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* cannot exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

[97] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

401.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards:

a. *Caterer*s, and c*atering hall*s, provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet; and

2. When said *premises* is improved with *building* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to be opaque. In addition, *building*s must also be set back from Residential Zones two (2) feet for every foot of *building height*.

b. *Catering halls* serving alcoholic beverages subject to conditions under Section 222, provided that*:*

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet; and

2. When said *premises* is improved with *buildings* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to be opaque. In addition, *building*s must also be set back from Residential Zones two (2) feet for every foot of *building height*.

3. Sale of alcoholic beverages shall be confined to the interior of the building, and shall be incidental to a catered function[98].

c. *Commercial recreation - indoor* and *outdoor*

d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yard*s of the *premises* on which such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on-site unless greater requirements are imposed by the regulations of any other State or Federal agency. This designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designated and located for safety to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

e. *Drive-through facilities* subject to the provisions of Section 228.[99]

[98] *Amendment to Article IV, Section 401.2, Addition of Catering Halls to Special Permit Uses. Effective Date: May 4, 1999*

f. Funeral homes

g. *Hotel*s and *motel*s, provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.

h. *Hotel*s and *motel*s serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

1. The *building* (defined to include a group of *building*s on the same *premises*) shall offer not less than one hundred (100) rooms for the accommodation of and rental by guests, and the minimum *lot* size shall be forty thousand (40,000) square feet; and

2. It meets the conditions established under Section 222.

i. Liquor stores subject to the provisions of Section 222

j. *Multiple-family dwelling*s, provided that:

1. The minimum *lot area* shall be two thousand five hundred (2,500) square feet per *dwelling unit* and the minimum *lot* size shall be ten thousand (10,000) square feet;

2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yard*s measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;

3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of one hundred fifty (150) feet;

4. No more than twenty-five (25) percent of the area of the *lot* shall be covered by *building*s;

5. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and provide adequate emergency vehicle access to each dwelling *structure*;

6. The *lot* shall have a *front yard* of not less than thirty (30) feet in depth;

7. Each separate *structure* shall have *side* and *rear yard* separations between *building*s of at least thirty (30) feet, which separation shall be increased by one (1) foot for each additional foot that such *structure* exceeds thirty (30) feet in height;

8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;

9. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum connecting to main arterial roads directly or indirectly by *street*s not less than these widths;

10. No parking shall be permitted in any required *front yard*;

[99] *Amendment to Article IV, Section 401.2: addition to Special Permit Uses. Effective Date: March 1, 2006*

11. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall screened from abutting property lines by fencing, with a minimum height of six (6) feet or by shrubs, hedges, planted *berm*s or trees of a sufficient mass to be opaque (refer to East Hartford Design Manual);

12. Each *dwelling unit* shall provide a minimum *livable floor area* of six hundred fifty (650) square feet in any efficiency or one (1) bedroom unit and shall provide an additional one hundred twenty-five (125) square feet of livable floor for each additional bedroom; and

13. Each *multiple-family* development shall provide open space and recreation areas at a minimum level of ten (10) percent of the total tract size for both active and passive recreation on the site. No more than fifty (50) of the open space area shall be composed of land that lies in a regulated *Flood* Hazard Zone, inland wetlands, or that is regulated by any other State of Federal environmental agency.

k. New automobile and truck sales and service with or without used automobile sales as an *accessory use*, provided that:

1. The *lot* shall have an area of at least forty thousand (40,000) square feet and have frontage on one (1) *street* of at least two hundred (200) feet;

2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;

3. No vehicles shall be parked in the required *front yard*;

4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;

5. No automobile filling station shall be permitted, nor may there be any sale of gasoline in connection with the permitted uses;

6. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of new automobiles or trucks constitutes the principal business conducted on the *premises*; and

7. The applicant must apply to the Zoning Board of Appeals for site location approval under Connecticut General Statutes Section 14-54 after receiving approval for a special permit.

l. Non-profit donation drop-off boxes[100] provided that:

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

[100] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

m. Non-profit *educational group-care facility*, provided that:

1. Said *educational group-care facility* is not within five hundred (500) feet of a similar facility; and

2. Any newly constructed *building* shall conform to the requirements of Sections 305.3 through 305.8.

n. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that: [101]

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

(a) The safe use of the required *parking spa*ces and their required drives;

[101] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(b) Interior pedestrian circulation;

(c) Adjacent properties;

(d) The access driveway from any public street; or

(e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

o. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages* provided that[102]*:*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

(a) The safe use of the required *parking spa*ces and their required drives;

(b) Interior pedestrian circulation;

(c) Adjacent properties;

(d) The access driveway from any public street; or

(e) Traffic on any abutting public street.

[102] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

p. Research and development laboratories, provided that:

1. *Building*s shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes; and

2. A *building* used as a research laboratory may also contain offices and open floor space, but any assembling, manufacturing or fabricating processes must be incidental to the principal use.

q. *Restaurant/automobile oriented use* as an independent *building*, provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet;

2. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the carry out operation.

r. *Restaurant/eating establishment*s serving alcoholic beverages subject to conditions under Section 222

s. *Service establishments* "Personal Tier (II)", provided that: [103]

1. No building or premises shall be used and no building shall be erected or altered that is arranged, intended or designed to be used for a Tier (II) Service Establishment "Personal" upon the premises if any part of such building or premises is situated within one thousand (1,000) feet from any other building or premises having any type of Tier II personal service establishment. Tier (II) personal service establishments within a shopping center/mall as defined here within shall be exempt from this distance requirement.

2. The windows and doors of any Tier (II) Service Establishments "Personal" may not be covered or obscured in any fashion of shades, curtains, beads, screens, pictures, walls, painting, art work or any other means.

t. *Substance Abuse Treatment Facilities* provided that: [104]

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[105], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such

[103] *Amendment to Article IV, Section 401, Business District Zoning Regulations, Effective Date: September 2, 2015*
[104] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[105] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

building or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

u. *Telecommunication Towers (Freestanding Commercial Wireless)*[106] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

v. Theaters

401.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least five thousand (5,000) square feet and a width of at least fifty (50) feet. Furthermore, each *lot* shall have a minimum of forty (40) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

401.4 *Yards*

a. *Front yard* dimensional requirements of Section 212 shall be required unless part of the block frontage falls in a Residence Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residence Zone.

[106] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yard*s shall be provided; one (1) *yard* shall have a minimum width of five (5) feet and the other a minimum width of ten (10) feet.

c. A minimum *rear yard setback* of twenty-five (25) feet, inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is located within or adjacent to a Residential Zone.

401.5 *Lot Coverage*

a. All *building*s including *accessory building*s shall cover not more than seventy-five (75) percent of the area of the *lot*.

b. The maximum impervious surface area shall be eighty (85) percent.

1. Exemption from maximum impervious surface requirement:

   *Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

401.6 Maximum Height

No *building* shall exceed one hundred (100) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

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Section 402 Business 2 (B-2) Zone

402.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. Antique and second-hand stores, provided there be no outside storage or display of inventory

2. Boat *marina*s

3. Bottling works

4. Commercial bakeries engaged in processing, sale and distribution of food products

5. Confectionery plants engaged in manufacturing, processing, sale and distribution of confectionery products

6. Convalescent homes

7. Dairy products processing plants

8. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more

9. Manufacturing, compounding, or processing of goods to be sold at retail on the *premises*

10. Newspaper and job printing

11. Non-profit civic clubs, lodges and recreation facilities

12. Offices and financial institutions

13. One-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

14. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, subject to the following:

    (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

    (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

    (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said

required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

15. Printing, photoengraving and bookbinding

16. Research and development laboratories, provided that:

    1. *Building*s shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes;

    2. A *building* used as research laboratory may also contain offices and open floor space, but any assembling manufacturing or fabricating processes must be subordinate to and incidental to the principal use of the *building*; and

    3. The outside storage of inventory, machinery, or other materials shall be screened from abutting properties, *street*s and highways by *grading* or by appropriate fencing and *landscaping*.

17. *Restaurant/eating establishment*

18. *Service establishment*s "Commercial" and service establishments "Personal Tier (I)"[107]

19. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather, are manufactured and sold on the *premises*

20. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*

21. *Telecommunication Sites (Commercial Wireless*)[108], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

22. Three-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

23. Two-*family* dwellings, provided that dwellings shall conform to the requirements of Sections 304.3 through 304.8

b. *Accessory Use*s and Use

    1. Exterior parking

    2. *Home occupation*s incidental to one-, two- and three-*family* dwellings

    3. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[109]:

[107] *Amendment to Article IV, Section 402, Business District Zoning Regulations, Effective Date: September 2, 2015*
[108] *Amendment to Article IV, Section 402.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*
[109] *Amendment to Article IV, Section 402, Business District Zoning Regulations, Effective Date: September 2, 2015*

(a) Licensed medical practice

(b) Licensed chiropractic practice

(c) Licensed physical therapy practice

(d) Licensed sports medicine practice

(e) Fitness and training center

(f) Multi-disciplined beauty salon business

4. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[110]:

(a) Cages must be placed within the buildable area of the lot;

(b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

(c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

(d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

(e) There must be no more than two (2) propane exchange cages per lot;

(f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

(g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

5. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*s, only to conforming automobile filling stations and *repair garage*s, boat sales and boat *marina*s, subject to the following:

(a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for

[110] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

(b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

(c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

6. Renting of not more than two (2) rooms and furnishing table board for not more than three (3) boarders to *person*s not members of the *family* of the resident proprietor only when incidental to one- , two- and three-*family* dwellings

6. *Sign*s, subject to the provisions of Section 210

7. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that[111]:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* cannot exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

[111] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

402.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards:

a. Automobile filling stations and *repair garage*s, provided that:

1. The *lot* shall have an area of at least twenty thousand (20,000) feet and have a frontage on one (1) *street* of at least two hundred (200) feet;

2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width, except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;

3. All pumps and other service equipment shall be located at least fifteen (15) feet from any *side* or *front lot line*;

4. Any filling station, *repair garage*, or other service station providing self service car wash shall provide five (5) additional off-street *parking space*s for each installation; and

5. The applicant must apply to the Town Planning and Zoning Commission for site location approval under Section 14-54 (for *repair garage*s) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.

b. Car wash establishments, including self-service car wash having more than two (2) car wash installations, provided that:

1. The *lot* shall have an area of at least twenty thousand (20,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;

2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width, except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;

3. All service equipment shall be located at least sixty (60) feet from the *front lot line* and twenty (20) feet from any *side lot line*;

4. Adequate disposal facilities shall be provided so that no waste water flows or tracts onto a public *street*; and

5. Off-street parking shall be provided four (4) spaces for each service or work station.

c. *Caterer*s and *catering hall*s, provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

2. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

3. Vehicles used in associated operation shall be garaged indoors.

d. *Commercial recreation - indoor* and *outdoor*

e. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be fifteen thousand (15,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yard*s of the *premises* on which such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop-off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area*, exclusive of the dedicated office area, plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

f. *Drive-through facilities* subject to the provisions of Section 228[112].

g. Extended Stay Hotels Provided that[113];

1. The *lot* shall have a minimum of seventy five (75) feet of property frontage on State of Connecticut Interstate I-84;

2. The minimum *lot* size shall be forty thousand (40,000) square feet;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic;

4. Accessory facilities available to lodgers, such as for eating and recreational purposes may be provided. The inclusion of restaurants, recreational, or other facilities open to the general public, other than lodgers, will only be permitted if the Commission finds that adequate additional seating area is available to accommodate the facilities and their generated parking needs;

5. The minimum room size shall be four hundred feet;

6. A maximum of seventeen (17) extended stay units shall be permitted within a *hotel*;

7. No part of the building shall be occupied for permanent residential use.

h. Funeral homes

[112] *Amendment to Article IV, Section 402.2: addition to Special Permit Uses. Effective Date: March 1, 2006*
[113] *Amendment to Article IV, Section 402.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 14th 2010*

i. *Hotel*s and *motel*s, provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.

j. *Hotel*s, *motel*s and motor *hotel*s serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

1. The *building* (defined to include a group of *building*s on the same *premises*) shall offer not less than fifty (50) units for the accommodations of and rental by guests, and minimum *lot* size shall be forty thousand (40,000) square feet; and

2. It meets the conditions established under Section 222.

k. *House of worship*[114], operated by a duly incorporated non-profit organization provided that:

1. Minimum lot size shall be fifteen thousand (15,000) square feet;

2. No parking or active recreation facilities shall be permitted in any required front or side yard;

3. Required parking shall be based on maximum legal occupancy of the building as defined in section 209 herein. The Town Planning and Zoning Commission may modify this requirement if the applicant can demonstrate that sufficient non-simultaneous shared parking exists on the site;

4. The external appearance and general character of the building shall be preserved to blend in with the character of neighborhood

5. Allowable signage shall be limited to the requirements of 210.5a (4) only.

l. Liquor stores subject to the provisions of Section 222

m. *Multiple-family dwelling*s, provided that:

1. The minimum *lot area* shall be two thousand five hundred (2,500) square feet per *dwelling unit* and the minimum *lot* size shall be ten thousand (10,000) square feet;

2. The minimum average *lot width*, defined as the average width between the required *front* and *rear yard*s measured in the same manner as for *lot width*, shall be seventy-five (75) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred (400) feet;

3. The minimum *lot frontage* shall be seventy-five (75) feet plus one (l) foot for each *dwelling unit*, with a maximum required frontage of one hundred fifty (150) feet;

4. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and with adequate emergency vehicle access to each dwelling *structure*;

5. No more than twenty-five (25) percent of the area of the *lot* shall be covered by *building*s;

6. The *lot* shall have a *front yard* of not less than thirty (30) feet in depth;

[114] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

7. Each separate *structure* shall have *side* and *rear yard* separations between *building*s of at least thirty (30) feet, which separations shall be increased by one (1) foot. For each additional one (1) foot such *structure* exceeds thirty (30) feet in height;

8. Each separate dwelling *structure* shall be located not less than fifteen (15) feet from any *lot line*;

9. The *lot* shall be located on, and have direct access to, a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *street*s not less than these widths;

10. No parking shall be permitted in any required *front yard*;

11. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing with a minimum height of six (6) feet or by shrubs, hedges planted *berm*s or trees of a sufficient mass to be opaque (refer to East Hartford Design Review Manual);

12. Each dwelling until shall provide a minimum *livable floor area* of six hundred fifty (650) square feet in any efficiency or one-bedroom unit and shall provide an additional one hundred twenty-five (125) square feet of *livable floor area* for each additional bedroom; and

13. Each *multiple-family* development shall provide open space and recreation areas for both active and passive recreation on the site as deemed appropriate by the Town Planning and Zoning Commission.

n. New/used automobile and truck sales and services, provided that:

1. The *lot* shall have an area of at least forty thousand (40,000) square feet and have a frontage on one (1) *street* of at least two hundred (200) feet;

2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;

3. No vehicle shall be parked in the required *front yard*;

4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;

5. No automobile filling station shall be permitted nor may there be any sale of gasoline in connection with the permitted uses; and

6. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.

o. Non-profit donation drop-off boxes[115] when associated with a legally conforming *House of Worship* provided that:

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

[115] *Amendment to Article IV, Section 402.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

p. Non-profit *educational group-care facility*, provided that:

1. Said *educational group-care facility* is not within five hundred (500) feet of a similar facility; and

2. Any newly constructed *building* shall conform to the requirements of Sections 305.7 through 305.15

q. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that[116]:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

[116] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

r. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages* provided that[117]*:*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

[117] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(b) Interior pedestrian circulation;

(c) Adjacent properties;

(d) The access driveway from any public street; or

(e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

s. *Restaurant/automobile oriented use*, provided that:

1. The restaurant shall be located on a *lot* of a least forty thousand (40,000) square feet with a frontage of at least two hundred (200) feet;

2. Lanes of ingress and egress shall be at least thirty (30) feet wide and clearly defined by curbing; and

3. Parking areas shall be separated from the *street* and adjacent property lines by curbed and landscaped buffer strips at least five (5) feet in width.

t. *Restaurant/eating establishments* serving alcoholic beverages subject to conditions under Section 222

u. *Service establishments* "Personal Tier (II)", provided that:[118]

1. No building or premises shall be used and no building shall be erected or altered that is arranged, intended or designed to be used for a Tier (II) Service Establishment "Personal" upon the premises if any part of such building or premises is situated within one thousand (1,000) feet from any other building or premises having any type of Tier II personal service establishment. Tier (II) personal service establishments within a shopping center/mall as defined here within shall be exempt from this distance requirement.

2. The windows and doors of any Tier (II) Service Establishments "Personal" may not be covered or obscured in any fashion of shades, curtains, beads, screens, pictures, walls, painting, art work or any other means.

v. *Substance Abuse Treatment Facilities* provided that[119]:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[120], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

[118] *Amendment to Article IV, Section 402, Business District Zoning Regulations, Effective Date: September 2, 2015*
[119] *Amendment to Article IV, Section 402.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[120] *Amendment to Article II: General Provisions, Section 200, Amendment to Article IV Section 402.2 Effective Date: March 10, 2004*

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

w. *Telecommunication Towers (Freestanding Commercial Wireless*)[121] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

x. Theaters

402.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least seven thousand five hundred (7,500) square feet and a width of at least seventy- five (75) feet. Furthermore, each *lot* shall have a minimum of fifty (50) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lot*s without the required *street* frontage.

[121] *Amendment to Article IV, Section 402.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

402.4 *Yard*s

a. *Front yard* dimensional requirements of Section 212 shall be required unless part of the block frontage falls in a Residential Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residential Zone.

b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yard*s shall be provided; one (1) *yard* shall have a minimum width of ten (10) feet and the other a minimum width of five (5) feet.

c. A minimum *rear yard setback* of twenty-five (25) feet inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is adjacent to a Residence Zone.

402.5 *Lot* Coverage

a. All *building*s and *structure*s including *accessory building*s shall cover not more than seventy-five (75) percent of the area of the *lot*.

b. The maximum impervious surface area shall be eighty-five (85) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

402.6 Maximum Height

No *building* shall exceed one hundred (100) feet in height, subject to applicable State and Federal regulations dealing with air lanes.

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Section 403 Business 3 (B-3) Zone

403.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. Antique and second hand stores, provided there is no outside storage or display of inventory

2. Boat *marina*s

3. Bottling works

4. Car wash establishments, including self-service car wash having more than two (2) car wash installations, provided that:

   (a) All service equipment shall be located at least sixty (60) feet from the *front lot line* and twenty (20) feet from any *side lot line*;

   (b) The *lot* shall have an area of at least ten thousand (10,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;

   (c) The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress which shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius; and

   (d) Adequate disposal facilities shall be provided so that no waste water flows onto a public *street*.

5. Non-profit clubs, lodges and recreation facilities

6. Commercial bakeries engaged in processing, sale and distribution of food products

7. Confectionery plants engaged in manufacturing, processing, sale and distribution of confectionery products

8. Contractor's materials and equipment sales and storage, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*

9. Dairy products processing plants

10. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more

11. The manufacture, processing or assembly of goods, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*

12. The manufacturing, compounding or processing or goods to be sold at retail on the *premises*

13. New automobile and truck sales and service with or without used automobile sales as an *accessory use*, provided that:

    (a) The *lot* shall have an area of at least forty thousand (40,000) square feet and have a frontage on one (1) *street* of at least two hundred (200) feet;

    (b) The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;

    (c) No vehicles shall be parked in the required *front yard*;

(d) The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;

(e) No automobile filling station shall be permitted nor may there be any sales of gasoline in connection with the permitted uses; and

(f) Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.

(g) The applicant must apply to the Zoning Board of Appeals for site location approval under Section 14-54 (for *repair garage*s) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.

14. Newspaper and job printing

15. Offices and Financial institutions

16. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, subject to the following:

(a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

(b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

(c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

17. Printing, photoengraving and bookbinding

18. Research and development laboratories, provided that:

(a) *Building*s shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes;

(b) A *building* used as research laboratory may also contain offices and open floor space, but any assembling manufacturing or fabricating processes must be subordinate to and incidental to the principal use of the *building*; and

(c) The outside storage of inventory, machinery, or other materials shall be screened from abutting properties, *street*s and highways by *grading* or by appropriate fencing and *landscaping*.

19. *Restaurant/eating establishment*s

20. *Service establishment*s "Commercial" and service establishments "Personal Tier (I)"[122]

21. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*

22. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*

23. *Telecommunication Sites (Commercial Wireless*)[123], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

24. *Truck terminal, class II*

25. Wholesale storage and warehousing, provided that there be no unreasonable emission of dust, smoke, fumes, glare, noise or vibration beyond the *lot line*

26. *Public storage*[124]

b. Permitted *accessory use*s and use

1. Exterior parking

2. Interior storage of goods

3. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[125]:

(a) Licensed medical practice

(b) Licensed chiropractic practice

(c) Licensed physical therapy practice

(d) Licensed sports medicine practice

(e) Fitness and training center

(f) Multi-disciplined beauty salon business

4. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[126]:

[122] *Amendment to Article IV, Section 403, Business District Zoning Regulations, Effective Date: September 2, 2015*
[123] *Amendment to Article IV, Section 403.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*
[124] *Amendment to Article IV, Section 403.1a, Permitted Uses. Effective Date: January 12, 2005*
[125] *Amendment to Article IV, Section 402, Business District Zoning Regulations, Effective Date: September 2, 2015*
[126] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

(a) Cages must be placed within the buildable area of the lot;

(b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

(c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

(d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

(e) There must be no more than two (2) propane exchange cages per lot;

(f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

(g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

5. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, only to conforming automobile filling stations and *repair garage*s, boat sales and boat *marina*s, subject to the following:

(a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

(b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

(c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

6. *Sign*s, subject to the provisions of Section 210

7. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that[127]:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

403.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards.

a. Automobile filling station and *repair garage*s, provided that:

1. The *lot* shall have an area of at least ten thousand (10,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;

[127] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

2. The use and service area of the *lot* shall be separated from any *street line* by curbed islands at least five (5) feet in width except for clearly defined lanes of ingress and egress that shall be thirty (30) feet in width at the *lot line* with a ten (10) foot curb radius;

3. All pumps and other service equipment shall be located at least fifteen (15) feet from any *side* or *front lot line*;

4. Any filling station, *repair garage*, or other service station providing self service car wash shall provide five (5) additional off-street *parking space*s for each installation; and

5. The applicant must apply to the Town Planning and Zoning Commission for site location approval under Section 14-54 (for *repair garage*s) or Section 14-321 (for automobile filling stations) of the Connecticut General Statutes after receiving approval for a special permit.

b. *Caterer*s and *catering hall*s, provided that:

1. The *lot* shall have an area of at least ten thousand (10,000) square feet and have frontage on one (1) *street* of at least sixty (60) feet; and

2. When said *premises* are improved with a *building* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to be opaque. In addition, *building*s must also be set back from Residential Zones two (2) feet for every foot of *building height*.

c. *Commercial Recreation - indoor* and *outdoor*

d. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yard*s of the *premises* where such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area

e. [128]Dispensary facility, provided that:

[128] *Amendment to Article IV, Section 403.2: Business District Zoning Regulations: addition to Special Permit Uses: Effective Date: December 3, 2013.*

1. subject to the review provisions of Section 207 Special Permit Uses. The following standards shall apply in addition to Section 207:

    a. No building, structure or premises shall be used and no building or structure shall be erected or altered that is arranged, intended or designed to be used as a dispensary facility if any part of such building, structure or premises is situated:

        i. Within five hundred (500) feet in radius from any part of any building, structure or premises used for the purpose of a public school, a duly authorized school other than a public school, an institution of higher learning, house of worship, charitable institution whether supported by public or private funds, library, public playground, Town parks and recreation facilities, daycare centers/nurseries, municipal fire or police station, municipal town hall or other municipal or Board of Education facility open to the public.

    b. Distance requirement from other *dispensary facility* or *production facility*:

        i. No building, structure or premises shall be used and no building or structure shall be erected or altered that is arranged, intended or designed to be used for as a *dispensary facility* if any part of such building, structure or premises is situated:

        ii. Within one thousand (1,000) feet in a radius from any other *dispensary facility* or *production facility* with the exception of bona-fide hospitals and non-profit hospice facilities.

2. A proposed security plan for the *dispensary facility* shall be outlined in a report to be reviewed and approved by the East Hartford Chief of Police.

3. The *dispensary facility* does not offer any products or services other than *marijuana* or *paraphernalia* offered or sold solely in connection with a *dispensary facility* permit issued by the Connecticut Department of Consumer Protection under Sections 21a-408 through 21-408q of the Connecticut General Statues and Section 21a-408-14 of the Regulations of Connecticut State Agencies.

f. *Drive-through facilities* subject to the provisions of Section 228[129].

g. Fuel storage for retail distribution

h. Funeral homes

i. *Hotel*s and *motels*, provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.

j. *Hotel*s and *motel*s serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

1. The *building* (defined to include a group of *building*s on the same *premises*) shall offer not less than fifty (50) units for the accommodations of and rental by guests; and

2. It meets the conditions established under Section 222.

[129] *Amendment to Article IV, Section 403.2: Business District Zoning Regulations: addition to Special Permit Uses: Effective Date: March 1, 2006*

k Liquor stores subject to the provisions of Section 222

l. Non-profit donation drop-off boxes[130] provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

m. [131]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

[130] *Amendment to Article IV, Section 403.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*
[131] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

n. [132] *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

[132] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(b) Interior pedestrian circulation;

(c) Adjacent properties;

(d) The access driveway from any public street; or

(e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

o. *Restaurant/automobile oriented use*, provided that:

1. The restaurants shall be located on a *lot* of at least forty thousand (40,000) square feet with a frontage of at least two hundred (200) feet;

2. Lanes of ingress and egress shall be at least thirty (30) feet wide and clearly defined by curbing; and

3. Parking areas shall be separated from the *street* and adjacent property lines by curbed and landscaped buffer strips at least five (5) feet in width.

p. *Restaurant/eating establishment* serving alcoholic beverages subject to the conditions under Section 222.

q. [133]*Substance Abuse Treatment Facilities* provided that:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[134], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

r. *Telecommunication Towers (Freestanding Commercial Wireless*)[135] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

[133] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[134] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[135] *Amendment to Article IV, Section 403.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225:
Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

s. Theaters, provided that vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.

t. *Truck terminal*s, *Class I* provided that:

1. The minimum *lot* size shall be ten (10) acres with a minimum frontage on one (1) *street* of two hundred (200) feet;

2. No docking apron space shall be used for parking of vehicles not at the docking platform;

3. No *building* shall be within twenty (20) feet of any *lot line*; and

4. There shall be not more than two (2) curb cuts having a fifty (50) foot radius at the curb and having a width of at least forty (40) feet at the *street*.

u. Used automobile and truck sales and service, provided that:

1. The *lot* shall have an area of at least twelve thousand (12,000) square feet and have a frontage on one (1) *street* of at least one hundred (100) feet;

2. The use and service area of the *lot* shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width except for clearly defined lanes of ingress and egress;

3. No vehicles shall be parked in the required *front yard*;

4. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission;

5. No automobile filling station shall be permitted nor may there be any sales of gasoline in connection with the permitted uses; and

5. Service and repair may be conducted only as part of or in connection with a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the *premises*.

403.3 Lot Sizes and Areas

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least one hundred (100) feet. Furthermore, each *lot* shall have a minimum of sixty (60) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lot*s without the required *street* frontage.

403.4 *Yard*s

a. *Front yard* dimensional requirements of Section 212 shall be required unless a part of the block frontage falls in a Residence Zone. If so, the *front yard* shall conform to the *front yard* requirements of the abutting Residence Zone. The Planning and Zoning Commission may modify these requirements in the area designated as Downtown Commercial by the Plan of Development only by special permit.

b. Where a *building* has a party wall with a *building* on an adjoining *lot*, one (1) *side yard* having a minimum width of fifteen (15) feet shall be required. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, two (2) *side yard*s shall be provided; one (1) *yard* shall have a minimum width of five (5) feet and the other a minimum width of ten (10) feet.

c. A minimum rear *yard setback* of twenty-five (25) feet, inclusive of the required buffer strip, shall be provided when the *rear lot line* of the *premises* is located within or adjacent to a Residential Zone.

403.5 *Lot Coverage*

a. All *building*s including *accessory building*s shall cover not more than seventy-five (75) percent of the area of the *lot*.

b. The maximum impervious surface area shall be eighty-five (85) percent.

1. Exemption from maximum impervious surface requirement

   *Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

403.6 Maximum Height

No *building* shall exceed fifty (50) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

Section 404 Business 4 (B-4) Zone

404.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. Antique and second-hand stores, provided no outside storage or display of inventory

2. Boat *marina*s

3. Non-profit civic clubs, lodges and recreation facilities

4. Offices and financial institutions

5. Printing, photo-engraving and bookbinding

6. *Restaurant/eating establishment*

7. *Service establishment*s "Commercial" and service establishments "Personal Tier (I)"[136]

8. Skilled artisan shops in which goods such as but not limited to pottery, glassware and leather are manufactured and sold on the *premises*

9. Stores for the sale of goods sold at retail, first hand (excluding automobile parts and accessories), provided there be no outside display of inventory

10. *Telecommunication Sites (Commercial Wireless*)[137], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

b. *Accessory use*s and use

1. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), when associated with an office or financial institution as a principal use

2. Exterior parking

3. Interior structured garage parking

4. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[138]:

   (a) Licensed medical practice

   (b) Licensed chiropractic practice

   (c) Licensed physical therapy practice

[136] *Amendment to Article IV, Section 404, Business District Zoning Regulations, Effective Date: September 2, 2015*
[137] *Amendment to Article IV, Section 404.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*
[138] *Amendment to Article IV, Section 404, Business District Zoning Regulations, Effective Date: September 2, 2015*

(d) Licensed sports medicine practice

(e) Fitness and training center

(f) Multi-disciplined beauty salon business

5. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[139]:

(a) Cages must be placed within the buildable area of the lot;

(b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

(c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

(d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

(e) There must be no more than two (2) propane exchange cages per lot;

(f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

(g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

6. Outdoor display and storage of boats, only for conforming boat sales and boat *marina*s, subject to the following:

(a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

[139] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

(b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

(c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

(d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

7. *Sign*s, subject to the provisions of Section 210

8. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that[140]:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

[140] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

404.2 Special Permit Uses

a. Auditorium, concert hall, convention hall, lecture hall, theater or similar place or public assembly, provided that the minimum *lot* size shall be eighty thousand (80,000) square feet.

b. *Commercial recreation - indoor*

c. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yard*s of the *premises* where such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area, plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area.

d. *Drive-through facilities* subject to the provisions of Section 228[141].

e. High density, mixed use high-rise development consisting of office/retail, restaurants and/or *multiple-family dwelling*s in one (1) or more *building*s, provided that:

1. The minimum development site size shall be five (5) acres. A development site is defined as a parcel or parcels of land under the control of a single entity at the time the application for a special permit is made upon which the proposed development is to be constructed. High-rise *multiple-family dwelling*s in excess of one hundred (100) feet in height will qualify under this section with a minimum development site of thirty thousand (30,000) square feet;

2. The site shall have frontage on the Connecticut River. For the purposes of this section, frontage shall be defined as property that abuts the Connecticut River in which the applicant has a legal or equitable interest that gives the applicant and its assignees the right to limit *building* development on the property;

3. The maximum height of any *building*(s) on the site shall be three hundred (300) feet, subject to applicable State and Federal regulations dealing with air lines;

4. The minimum *livable floor area* shall be five hundred (500) square feet for each efficiency unit, six hundred fifty (650) square feet for each one-bedroom unit and an additional one hundred twenty-five (125) square feet of floor area for each additional bedroom, provided, however, that the minimum

[141] *Amendment to Article IV, Section 404.2: addition to Special Permit Uses. Effective Date: March 1, 2006*

livable floor area shall be no less than that required by the Connecticut State Building Code, as the same may be amended;

5. The minimum *front*, *side* and *rear yard*s shall be as set forth in Section 405.4 of these regulations. However, that said minimum *front*, *side* and *rear yard* requirements for the *building*(s) and parking shall not apply in the event that the development provides for a plaza developed for usable open space that meets the following criteria:

   (a) Such plaza is a portion of the principal *building*(s).

   (b) Such plaza does not exceed a height equal to fifty (50) feet above sea level and shall not be lower than the top of the existing *flood* protection wall located on the Connecticut River.

   (c) *Accessory use*s including, but not limited to, walkways, stairways, amphitheaters, handicapped access ways and water-related *structure*s may be located at a height lower than the top of the existing *flood* protection wall.

   (d) Such plaza has access to grade.

   (e) Only uses such as vehicular parking, mechanical equipment required to operate and maintain said principal *building*(s) or vehicular parking area, storage areas or retail or restaurant establishments may be located beneath such plaza.

   (f) Such plaza shall be accessible on a normal basis to all the occupants, tenants, visitors, employees or patrons of the use or uses located in said principal *building*(s) and shall not unduly burden the public's access to the Connecticut River.

   (g) Such plaza shall be furnished with benches, chairs, plantings, works of art, adequate illumination and/or other appropriate features conducive to usable open space purposes.

   (h) Such furniture, kiosks and other obstructions shall occupy not more than a total of fifty (50) percent of the floor area of such plaza and shall be located as not to impede the free flow of pedestrian traffic or be of such a nature, material or design to endanger the health or safety of the users of the plaza, the users of said principal *building*(s) or the general public.

   (h) In the event that no exterior walls are provided from grade level to the plaza level, the parking or other uses located beneath such plaza shall be screened with suitable *landscaping* or other material.

   (j) The entire plaza perimeter except where access is provided or required shall be enclosed by adequate fencing, railings or plantings. A plaza is defined as a continuous above grade area constructed of hard surfaced material surrounding and/or connecting one (1) or more *building*s not intended for the permanent shelter, housing or enclosure of *person*s, animals and/or materials, is primarily open to the sky and is open to the occupants, tenants, visitors, employees or patrons of the use or uses located in said *building*(s) on a regular basis for possible recreational purposes; provided, however, that the foregoing shall not be deemed a limitation of the uses permitted in such area and the applicant may make such use of the plaza that is not inconsistent with the above.

6. The *building*s may cover up to seventy-five (75) percent of the area of the site. Where plazas are developed for usable open space, said plazas and *building*s may cover up to one hundred (100) percent of the area of the Site, provided that the *building*s shall not cover more than seventy-five (75) percent of the site;

7. The separate *building*s on the site shall be at least thirty (30) feet from any other separate *building* on the site;

8. After the issuance of a special permit and in the event the site or a portion of it be developed as a condominium, the control of the site may be divided among two (2) or more entities and the so-divided parcels need not meet the acreage, *front*, *side* and *rear yard* and *lot coverage* requirements set forth herein, provided that the development as a whole meets these requirements.

9. Notwithstanding anything in these regulations to the contrary, the minimum *parking space*s required shall be as follows:

   a. Retail stores, personal service shops or similar business - *building*s one (1) space for each two hundred fifty (250) square feet of *gross floor area*.

   b. *Restaurant/eating establishment* - one (1) space for every three (3) legal occupants.

   c. Residential use - One and one-half (1.5) spaces per *dwelling unit* for *dwelling unit* not assigned a tandem space. Tandem parking may be used for two-bedroom units. A tandem space shall be a minimum, of thirty-four (34) feet in length by nine (9) feet in width.

f. *Hotel*s and *motel*s

g. *Hotel*s and *motel*s serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

   1. The *building* (defined to include a group of *building*s on the same *premises*) shall offer not less than fifty (50) units for the accommodation of and rental by guests; and

   2. It is subject to the provisions of Section 222.

h. Liquor stores subject to the provisions of Section 222

i. *Multiple-family dwelling*s (one (1) to four (4) stories) provided that:

   1. The minimum *lot area* per *dwelling unit* shall be two thousand five hundred (2,500) square feet, except that in the case of a *building* that is fifty (50) or more feet in height, the minimum *lot area* per *dwelling unit* shall be five hundred five hundred (500) square feet. The minimum *lot* size shall be twenty-five thousand (25,000) square feet;

   2. The minimum average *lot width*, (defined as the average width between the required *front* and *rear yard*s measured in the same manner as for *lot width*,) shall be eighty (80) feet plus four (4) feet for each *dwelling unit*, with a maximum required width of four hundred twenty-five (425) feet;

   3. The minimum *lot frontage* shall be eighty (80) feet plus one (1) foot for each *dwelling unit*, with a maximum required frontage of two hundred (200) feet;

   4. Not more than thirty-five (35) percent of the area of the *lot* shall be covered by *building*s;

   5. The principal entrance for each separate dwelling *structure* shall front on a separate *yard* not less than thirty (30) feet in depth with access to the public right-of-way and provide adequate emergency vehicle access to each dwelling *structure*;

   6. Each separate *structure* shall have *side* and *rear yard* separations between *building*s of at least thirty (30) feet, which separations shall be increased by one (1) foot for each additional foot such *structure* exceeds thirty (30) feet in height;

   7. Each separate dwelling *structure* shall be located not less than twenty-five (25) feet from any *lot line*;

8. The *lot* shall be located on and have direct access to a *street* having a right-of-way width of fifty (50) feet and a pavement width of thirty (30) feet minimum, connecting to main arterial roads directly or indirectly by *street*s not less than these widths;

9. No parking shall be permitted in any required *front yard*;

10. All parking and parking access drives, other than garage access, shall be located at least fifteen (15) feet from any dwelling *structure* or any *side* or *rear lot line*. When located within thirty (30) feet of any *lot line*, parking and parking access drives shall be screened from abutting property lines by fencing with a minimum height of six (6) feet or by shrubs, hedges, planted *berm*s or trees of a sufficient mass to be opaque (refer to East Hartford Design Manual); and

11. Each *dwelling unit* shall provide a minimum *livable floor area* of five hundred (500) square feet in any efficiency or one-bedroom unit and shall provide an additional six hundred fifty (650) square feet of livable floor for each additional bedroom.

j. Non-profit donation drop-off boxes[142] provided that:

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

k. Outdoor display and storage of boats, provided that:

1. Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

[142] *Amendment to Article IV, Section 404.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

2. When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six feet, or other screening devices shall be installed along said rear or side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

3. For the purpose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

l. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that[143]:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

m. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages* provided that[144]*:*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

[143] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*
[144] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

n. *Restaurant/eating establishment*, serving alcoholic beverages subject to the conditions set forth in Section 222

o. *Service establishments* "Personal Tier (II)", provided that:[145]

1. No building or premises shall be used and no building shall be erected or altered that is arranged, intended or designed to be used for a Tier (II) Service Establishment "Personal" upon the premises if any part of such building or premises is situated within one thousand (1,000) feet from any other building or premises having any type of Tier II personal service establishment. Tier (II) personal service establishments within a shopping center/mall as defined here within shall be exempt from this distance requirement.

[145] *Amendment to Article IV, Section 404, Business District Zoning Regulations, Effective Date: September 2, 2015*

2. The windows and doors of any Tier (II) Service Establishments "Personal" may not be covered or obscured in any fashion of shades, curtains, beads, screens, pictures, walls, painting, art work or any other means.

p. *Substance Abuse Treatment Facilities* provided that[146]:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[147], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

q. *Telecommunication Towers (Freestanding Commercial Wireless*)[148] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

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[146] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[147] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[148] *Amendment to Article IV, Section 404.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

r. A vertical take-off and landing (VTOL) field, including a helicopter landing field, where such use is deemed necessary to the public convenience and welfare.

404.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least eighty (80) feet. Furthermore, each *lot* shall have a minimum of fifty-five (55) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lot*s without the required *street* frontage.

404.4 *Yard*s

a. Each *lot* shall have a *front yard* of not less than twenty-five (25) feet in depth provided that where part of the block frontage falls in a Residence Zone, there shall be a *front yard* which conforms to the *front yard* requirements of the abutting Residence Zone.

b. Each *lot* shall have two (2) *side yard*s having a total width of twenty-five (25) feet but no *side yard* shall be less than ten (10) feet in width.

c. Each *lot* shall have a *rear yard* of not less than twenty (20) feet in depth. Where the abutting property is permanent public open space such as parks, highways, rivers, or cemeteries, a *rear yard* shall not be required.

d. Each separate *building* on a *lot* shall be at least fifteen (15) feet from any other separate *building* on the *lot*.

e. Surface parking areas shall be set back twenty-five (25) feet in the *front yard* and ten (10) feet from the *side* and *rear lot line*s, except where the *side* and *rear lot line*s are adjacent to railroad rights-of-way. All landscaped areas shall be naturally landscaped.

404.5 *Lot Coverage*

a. All *building*s including *accessory building*s shall not cover more than seventy-five (75) percent of the area of the *lot*.
b. The maximum impervious surface area shall be eighty-five (85) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

404.6 Maximum Height

Except for high density, mixed use high-rise development, no *building* shall exceed two hundred ten (210) feet in height, subject to applicable state and Federal regulations dealing with air lanes.

404.7 Compact Parking

For long-term stay uses (e.g., offices and financial institutions or residential), compact *parking space*s may be used for not more than twenty (20) percent of the total required spaces. Compact space shall be a minimum of sixteen (16) feet in length by eight and one-half (8.5) feet in width and must be clearly designated.

404.8 Shared Parking

When associated with mixed use components exhibiting complimentary parking characteristics (e.g., office, *hotel*, museum), shared parking may be utilized, provided that:

a. The total number of *parking space*s for mixed use components shall equal or exceed seventy-five (75) percent of the total required spaced for all individual uses.

b. A parking study, prepared by a qualified parking engineer, shall present the shared parking plan including the proposed number of shared spaces and compact spaces. The difference between the number of spaces proposed under the shared parking plan and that required based on individual uses shall be clearly identified, and a location shall be clearly designated on the site plan and set aside to be used for parking, should it be determined necessary by the Commission. In the event of changes to the mixed use components of any project utilizing shared parking, the Commission may review the shared parking plan and require construction of additional spaces if, in its opinion, the mix of uses no longer supports the original shared parking plan.

c. Upon approval of a shared parking plan, the Commission may require that the developer post a bond equal to twenty-five (25) percent of the cost of constructing any spaces that would have been required based on individual uses. Such bond shall be posted prior to issuance of a certificate of zoning compliance for the project and shall remain in effect for a period set by the Commission not to exceed five (5) years. If during such five (5) year period in which the bond is in effect, the Commission determines, supported by a study conducted by a qualified parking engineer, that the approved shared parking plan is inadequate to handle parking demand for the site, the Commission may:

   1. Require the developer/*owner* to provide additional spaces up to the number that would have been required had no shared parking plan been approved or develop an alternate plan for parking management. The Commission may require that any bond posted pursuant to this section remain in effect until additional spaces are constructed or such alternate plan is implemented.

   2. Call the bond and utilize those funds to construct additional spaces on the site. The Town of East Hartford may also construct additional spaces up to the number that would have been required had no shared parking plan been approved and charge the cost of such additional spaces beyond bond proceeds, if any, to the *owner*, provided however that the Town shall not proceed with this option 405.8c2 until after the developer/*owner* has been given reasonable notice to provide such additional parking and has failed to do so and a public hearing on the proposal to call the bond and provide additional parking has been held.

   3. Such spaces shall be located in the area designated for parking on the approved site plan unless modified by the Commission.

Section 405 Business 5 (B-5) Zone

405.1 Permitted uses and *accessory use*s and use

a. Permitted uses

1. Antique and second-hand stores including outside storage of display of inventory subject to the following:

   (a) Access to retail area shall be controlled with appropriate barrier;

   (b) Sidewalk access shall be maintained; and

   (c) Any such display shall not interfere with doorways or other required access.

2. Catering without a *catering hall*[149]

3. Commercial bakeries engaged in processing sale and distribution of food products

4. *Commercial recreation*, *indoor* and *outdoor*

5. Liquor stores subject to the requirements of Section 222

6. Non-profit civic clubs, lodges and recreation facilities

7. Offices and financial institutions

8. Personal service shops

9. *Restaurant/eating establishment* and *restaurant/automobile oriented use* including outside *building* food consumption subject to the following:

   (a) Access to seating area shall be controlled with appropriate barrier;

   (b) Sidewalk access shall be maintained; and

   (c) Public right of way permission shall be granted to the owner.

10. *Restaurant/eating establishment* serving alcoholic beverages subject to the conditions under Section 222

11. *Service establishments* "Commercial" and service establishments "Personal Tier (I)"[150]

12. Skilled artisan shops where goods such as, but not limited to pottery, glassware and leather are manufactured and sold on the *premises*

13. Stores for sale of goods sold at retail first hand (including auto parts and accessories, including outside display of inventory, subject to the following:

    (a) Public access to sidewalks shall be maintained;

[149] *Amendment to Section 405.1, Addition of Catering without a catering hall, Effective Date: January 9, 2008*
[150] *Amendment to Article IV, Section 405, Business District Zoning Regulations, Effective Date: September 2, 2015*

(b) No outside display shall extend beyond the boundaries of the storefront responsible for the display; and
(c) Any such display shall not interfere with doorways or other required access.

14. *Telecommunication Sites (Commercial Wireless*)[151], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

15. Theaters

b. *Accessory use*s and use

1. Exterior parking

2. *Home occupation*s incidental to one- , two- and three-*family* dwellings

3. Interior storage of goods

4. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[152]:

(a) Licensed medical practice

(b) Licensed chiropractic practice

(c) Licensed physical therapy practice

(d) Licensed sports medicine practice

(g) Fitness and training center

(h) Multi-disciplined beauty salon business

5. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[153]:

(a) Cages must be placed within the buildable area of the lot;

(b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

(c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

(d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

(e) There must be no more than two (2) propane exchange cages per lot;

[151] *Amendment to Article IV, Section 405.1, Business District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*
[152] *Amendment to Article IV, Section 405, Business District Zoning Regulations, Effective Date: September 2, 2015*
[153] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

(f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

(g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

6. *Signs*, subject to the provisions of Section 210

7. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that[154]:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business

[154] *Amendment to Article II: General Provisions, Section 200. Effective Date: January 8, 2003*

5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

405.2 Special Permit Uses

a. Drive-thru facilities subject to the provisions of Section 228[155].

b. Non-profit donation drop-off boxes[156] provided that:

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

c. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that[157]:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

[155] *Amendment to Article IV, Section 405.2: addition to Special Permit Uses. Effective Date: March 1, 2006*
[156] *Amendment to Article IV, Section 405.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*
[157] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

d. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

4. No advertising *signage* on outdoor umbrellas, awnings or chairs is permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by

e. *Service establishments* "Personal Tier (II)", provided that:[158]

1. No building or premises shall be used and no building shall be erected or altered that is arranged, intended or designed to be used for a Tier (II) Service Establishment "Personal" upon the premises if any part of such building or premises is situated within one thousand (1,000) feet from any other building or premises having any type of Tier II personal service establishment. Tier (II) personal service establishments within a shopping center/mall as defined here within shall be exempt from this distance requirement.

2. The windows and doors of any Tier (II) Service Establishments "Personal" may not be covered or obscured in any fashion of shades, curtains, beads, screens, pictures, walls, painting, art work or any other means.

f. *Substance Abuse Treatment Facilities* provided that[159]:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[160], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

[158] *Amendment to Article IV, Section 405, Business District Zoning Regulations, Effective Date: September 2, 2015*
[159] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[160] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

g. *Telecommunication Towers (Freestanding Commercial Wireless*)[161] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

h. *Work studio/dwelling*, provided that:

1. *Work studio/dwelling unit* shall be confined to *structure*s existing at the time of adoption of this section;

2. No *building* or *structure* containing said use shall be enlarged or structurally altered except in accordance with the development provisions of the Business 5 (B-5) zoning district and as such as may be required for safety, or as may be necessary to secure or insure the continued advantageous use of the *building* or *structure*;

3. No *building* or *structure* adaptable for joint *work studio/dwelling* purposes shall be subdivided into joint residential/work quarters having a combined *gross floor area* of less than six hundred twenty-five (625) square feet. The residential portion of the *work studio/dwelling* quarters shall contain a minimum of five hundred (500) square feet of usable floor area;

4. All spaces used for *work studio/dwelling* purposes shall be physically separated, when on the same floor, or shall be located above existing commercial or industrial uses which may be part of a mixed

[161] *Amendment to Article IV, Section 405.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

occupancy *building* or *structure*; in no instance shall space utilized for *work studio/dwelling* purposes be located below any such commercial or industrial use; and

5. All work activity shall be conducted within the existing *building* or *structure*. The *owner* or his agent shall certify annually that the *work studio/dwelling*s continue to conform to the requirements of this section and Section 200.

405.3 *Lot* sizes and areas

Each *lot* shall have an area of at least ten thousand (10,000) square feet and a width of at least eighty (80) feet measured at the *front lot line*.

405.4 *Yard*s

a. Each *lot* shall have a *front yard* consistent with existing *building*s. *Building*s which are set back from the *front lot line* shall use courtyards, plazas or similar features to create visual continuity. Additionally, if part of the block frontage falls in a Residence Zone, there shall be a *front yard* which conforms to the *front yard* requirements of the abutting Residence Zone.

b. Each *lot* shall have two (2) *side yard*s having a total width of twenty-five (25) feet, but no *side yard* shall be less than ten (10) feet in width.

c. Each *lot* shall have a *rear yard* of not less than twenty (20) feet in depth. Where the abutting property is permanent public open space such as parks, highways, rivers, or cemeteries, a *rear yard* shall not be required.

d. Each separate *building* on a *lot* shall be at least fifteen (15) feet from any other separate *building* on the *lot*.

405.5 *Lot coverage*

All *building*s, including *accessory building*s shall cover not more than seventy-five (75) percent of the area of the *lot*.

405.6 Maximum height

No *building* shall exceed forty (40) feet in height, subject to applicable State and Federal Regulations dealing with air lanes.

405.7 Parking Requirements

It is recognized that many existing *building*s within the Central Business District were built prior to the widespread use of automobiles, and thus, were not designed to accommodate parking. It is further recognized that public parking is available in several locations within the district. Therefore, required parking for permitted uses shall be limited to the parking available to existing *building*s. All change of uses which are permitted uses shall be deemed to have sufficient parking. Moreover, any *building* additions, enlargements or new construction shall provide required parking associated with the addition, enlargement or new construction as required by Section 209.

Section 406 Business 6 (B-6) Zone[162]

406.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. Antique and second-hand stores, provided there be no outside storage or display of inventory

2. Convalescent homes and assisted living facilities[163]

3. Greenhouses and plant nurseries, provided that they are located on a *lot* of two (2) acres or more

4. Manufacturing, compounding or processing of goods to be sold at retail on the *premises*

5. Non-profit civic clubs, lodges and recreation facilities

6. Offices and financial institutions

7. *Restaurant/eating establishment*s

8. *Restaurant/automobile oriented use* provided it is an integral part of a *shopping center/mall* as defined in Section 200 of these regulations

9. *Service establishment*s "Commercial" and service establishments "Personal Tier (I)"[164]

10. Skilled artisan shops where goods such as, but not limited to, pottery, glassware and leather are manufactured and sold on the *premises*

11. Stores for the sale of goods sold at retail first hand (including auto parts and accessories), provided there be no outside display of inventory unless it is within the roofed area of the *building*.

12. *Telecommunication Sites (Commercial Wireless*), where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

b. Permitted *accessory use*s and use

1. Daycare centers/nurseries, as defined in Connecticut General Statutes Section 19a-77(a), when incidental to offices and financial institutions

2. Exterior parking

3. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[165]:

[162] *Amendment to Article IV, Business District Zoning Regulations: addition of Section 406. Effective Date: April 4th,2013*
[163] *Amendment to Article IV, Section 406, Business District Zoning Regulations, Effective Date: February 3, 2016*
[164] *Amendment to Article IV, Section 406, Business District Zoning Regulations, Effective Date: September 2, 2015*
[165] *Amendment to Article IV, Section 406, Business District Zoning Regulations, Effective Date: September 2, 2015*

(a) Licensed medical practice

(b) Licensed chiropractic practice

(c) Licensed physical therapy practice

(d) Licensed sports medicine practice

(i) Fitness and training center

(j) Multi-disciplined beauty salon business

4. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[166]:

(a) Cages must be placed within the buildable area of the lot;

(b) Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

(c) Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

(d) Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

(e) There must be no more than two (2) propane exchange cages per lot;

(f) Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

(g) All propane exchange/storage must be accomplished within the fully enclosed cage/s.

(h) Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

(i) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

(j) Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

5. Tire / battery store associated with any retail *building* provided that the total floor area of the retail *building* shall not be less than one hundred fifty thousand (150,000) square feet and further provided that the portion of the *building* used as a tire battery and accessory store shall not exceed seven thousand five hundred (7,500) square feet. The tire battery store facility must be owned and operated by the same entity that owns and operates the retail facility with a limit of one tire battery store only.

[166] *Amendment to Article IV, Business District Zoning Regulations, Permitted accessory uses and use: addition of Section b.3. Effective Date: May 1, 2014.*

In the area of the tire battery and accessory store, routine maintenance and car care services may be performed, however, no major engine repairs or auto body work may be performed. Furthermore, no automobiles may be serviced which are inoperable or unregistered.

6. Self service automobile filling station associated with and located on a *Shopping Center/Mall* site as defined herein under section 200 provided that:

   (a) The facility must be owned and operated by the same entity that owns and operates the retail anchor facility with at least forty thousand (40,000) square feet.

   (b) No automobile services or maintenance shall be performed.

   (c) Maximum number of dispensing facilities shall not exceed ten (10).

   (d) A limit of one self service automobile filling station shall be allowed for each *shopping center/mall* site.

   (e) The self service accessory use shall be exempt from the requirement of section 223 "Automobile sales and service".

7. Interior storage of goods

8. *Signs*, subject to the provisions of Sections 210

9. *Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:

   (a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

   (b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

   (c) No outside audio systems or live entertainment shall be permitted;

   (d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

   (e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

   (f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

   (g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

   (h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

406.2 Special Permit Uses

The following uses may be permitted by the Planning and Zoning Commission subject to the general provisions of Article II and the following conditions and safeguards:

a. *Caterer*s, and c*atering hall*s, provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. When said *premises* is improved with *building* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to be opaque. In addition, *building*s must also be set back from Residential Zones two (2) feet for every foot of *building height*.

b. *Catering halls* serving alcoholic beverages subject to conditions under Section 222, provided that*:*

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. When said *premises* is improved with *buildings* and abuts a Residential Zone, there shall be a thirty (30) foot landscaped buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to be opaque. In addition, *building*s must also be set back from Residential Zones two (2) feet for every foot of *building height*.

3. Sale of alcoholic beverages shall be confined to the interior of the building, and shall be incidental to a catered function.

c. *Commercial recreation - indoor* and *outdoor*

d. Convention Center, provided that:

1. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic;

2. Outdoor activities shall be limited to permitted accessory uses.

e. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front* or *side yard*s of the *premises* on which such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on-site unless greater requirements are imposed by the regulations of any other State or Federal agency. This designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be

designated and located for safety to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

f. *Drive-through facilities* subject to the provisions of Section 228.

g. Funeral homes

h. *Hotel*s and *motel*s, provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet; and

2. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic.

i. *Hotel*s and *motel*s serving alcoholic beverages under a *hotel* permit, as defined under Connecticut General Statutes, provided that:

1. The *building* (defined to include a group of *building*s on the same *premises*) shall offer not less than one hundred (100) rooms for the accommodation of and rental by guests, and the minimum *lot* size shall be forty thousand (40,000) square feet; and

2. It meets the conditions established under Section 222.

j. Liquor stores subject to the provisions of Section 222

k. Non-profit donation drop-off boxes[167] provided that:

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special

[167] *Amendment to Article IV, Section 406.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

l. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

(a) The safe use of the required *parking spa*ces and their required drives;

(b) Interior pedestrian circulation;

(c) Adjacent properties;

(d) The access driveway from any public street; or

(e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

m. *Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages* provided that:

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

n. Research and development laboratories, provided that:

1. *Building*s shall be used only for experimental, design, development, photographic, medical, electronic, computing or testing purposes; and

2. A *building* used as a research laboratory may also contain offices and open floor space, but any assembling, manufacturing or fabricating processes must be incidental to the principal use.

o. *Restaurant/automobile oriented use* as an independent *building*, provided that:

1. The minimum *lot* size shall be twenty thousand (20,000) square feet;

2. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the carry out operation.

p. *Restaurant/eating establishment*s serving alcoholic beverages subject to conditions under Section 222

q. *Service establishments* "Personal Tier (II)", provided that:[168]

1. No building or premises shall be used and no building shall be erected or altered that is arranged, intended or designed to be used for a Tier (II) Service Establishment "Personal" upon the premises if any part of such building or premises is situated within one thousand (1,000) feet from any other building or premises having any type of Tier II personal service establishment. Tier (II) personal service establishments within a shopping center/mall as defined here within shall be exempt from this distance requirement.

2. The windows and doors of any Tier (II) Service Establishments "Personal" may not be covered or obscured in any fashion of shades, curtains, beads, screens, pictures, walls, painting, art work or any other means.

r. *Substance Abuse Treatment Facilities* provided that[169]:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[170], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

s. *Telecommunication Towers (Freestanding Commercial Wireless*)[171] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can

[168] *Amendment to Article IV, Section 406, Business District Zoning Regulations, Effective Date: September 2, 2015*
[169] *Amendment to Article IV, Section 406.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[170] *Amendment to Article II, General Provisions, Section 200. Effective Date: March 10, 2004*
[171] *Amendment to Article IV, Section 406.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

6. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

7. The minimum lot area shall be thirty thousand (30,000) square feet.

6. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

7. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

8. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

t. Theaters

406.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least twenty thousand (20,000) square feet and a width of at least one hundred (100) feet. Furthermore, each *lot* shall have a minimum of seventy (70) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

406.4 *Yard*s

a. Each *lot* shall have a *front yard* not less than forty (40) feet in depth.

b. Where a *building* does not have a party wall with a *building* on an adjoining *lot*, each *lot* shall have *side yard*s of not less than twenty-five (25) feet in width on each side.

c. Each *lot* shall have a *rear yard* not less than forty (40) feet in depth.

d. Each separate *building* shall be at least ten (10) feet from any other separate *building* for each *story* or twelve (12) feet of height.

406.5 *Lot Coverage*

a. All *building*s, including *accessory building*s, shall cover not more than twenty-five (25) percent of the area of the *lot*.

b. The maximum *impervious coverage* shall be seventy-five (75) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any

addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

406.6 Maximum Height

No *building* shall exceed fifty (50) feet in height subject to applicable State and Federal regulations dealing with air lanes.

ARTICLE V: INDUSTRIAL DISTRICT ZONING REGULATIONS

Section 500 Industrial Zones

The following regulations and the general regulations contained in Article II shall apply in all Industrial Zones.

Section 501 Office/Research/Industry (I-1) Zone

501.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. *Restaurant/eating establishment*

2. *Telecommunication Sites* (Commercial Wireless)[172], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

b. Permitted *accessory use*s and use

1. *Sign*s subject to the provisions of Section 210

2. Exterior parking

3. Interior and exterior storage of goods

4. In house employee cafeterias

5. [173]*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:

(a) Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* can not exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

[172] *Amendment to Article V, Section 501.1, Industrial District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*

[173] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

501.2 Special Permit Uses

a. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be eighty thousand (80,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front yard* or *side yard*s of the *premises* where such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

5. Required parking shall be (1) one space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area

b. Non-profit donation drop-off boxes[174] provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

[174] *Amendment to Article V, Section 501.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more then two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger then six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

c. Office *building*s, research laboratories (including the manufacture of materials related to the research being conducted therein) and the storage of goods as an *accessory use*, provided that:

1. Coverage by *building*s and the outside storage of inventory and machinery shall not exceed fifty (50) percent of the area of the *lot*;

2. The outside storage of inventory and machinery shall be screened from abutting property and the highways by *grading* or by appropriate *landscaping*;

3. No industrial waste shall be dumped onto the ground or into the ground; and

4. Where a *lot* abuts land in an adjoining Residential Zone, all *yard* dimensions of *yard*s abutting the Residential Zone shall be increased by one hundred (100) percent and shall be screened form the adjoining Residential Zone by *landscaping* as shown on a site plan.

d. [175]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

[175] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

e. [176]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

[176] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

f. [177]*Substance Abuse Treatment Facilities* provided that:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[178], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

g. *Telecommunication Towers (Freestanding Commercial Wireless*)[179] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

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[177] *Amendment to Article IV, Section 401.2, business District Zoning Regulations: Addition to Special Permit Uses. Effective Date: August 13, 2003*

[179] *Amendment to Article V, Section 501.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

h. A vertical take-off or landing (VTOL) field, including a helicopter landing field, where such use is deemed necessary to the public convenience and welfare.

501.3 *Lot* sizes and areas

Each *lot* shall have a minimum size of one (1) acre and shall be of such shape that a square with one hundred fifty (150) feet on each side will fit on the *lot* behind and touching the *street line*. Furthermore, each *lot* shall have a minimum of one hundred twenty-five (125) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved subdivision *street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

a. Each *lot* shall have a *front yard* of at least fifty (50) feet in depth.

b. Each *lot* shall have two *side yard*s at least twenty-five (25) feet each in width.

c. Each *lot* shall have a *rear yard* of at least fifty (50) feet in depth.

d. Each separate *building* shall be at least twenty-five (25) feet from any other separate *building*.

e. Parking areas shall be set back twenty (20) feet in the *front yard* and ten (10) feet from the side and rear *lot lines*, except where the side and *rear lot line*s are adjacent to railroad rights of way. All landscaped areas shall consist of natural *landscaping*.

501.5 *Lot Coverage*

a. Coverage by *building*s and the outside storage of inventory and machinery shall not exceed fifty (50) percent of the area of the *lot*.

b. The maximum impervious surface area shall be sixty (60) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such

buildings must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

501.6 Maximum Height

No *building* shall be more than fifty (50) feet in height, subject to applicable State and Federal regulations dealings with air lanes.

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Section 502 Industry 2 (I-2) Zone

502.1 Permitted Uses and *Accessory Use*s and Use

a. Permitted uses

1. The manufacture, processing or assembly of goods

2. Offices

3. Research and development laboratories

4. *Restaurant/eating establishment*

5. *Telecommunication Sites (Commercial Wireless)*[180], where the antenna is mounted on existing towers, utility poles, non-residential buildings, light standards and other structures subject to the provisions of Section 225: Commercial Wireless Telecommunication - General Requirements and Section 702.

6. *Truck terminal, class II*

7. Wholesale storage and warehousing/*warehouse*

8. *Public storage*[181]

b. Permitted *accessory use*s and use

1. Exterior parking

2. In house employee cafeterias

3. Interior and exterior storage of goods

4. *Sign*s, subject to the provisions of Section 210

5. [182]*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:

i. Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

(b) *Seasonal outdoor dining facility* cannot exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

[180] *Amendment to Article V, Section 502.1, Industrial District Zoning Regulations: addition to Permitted Uses. Effective Date: July 18, 1997*

[181] Amendment to *Article V, Section 502.1, Industrial District Zoning Regulations: addition to Permitted Uses. Effective Date: January 12, 2005*

[182] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

(c) No outside audio systems or live entertainment shall be permitted;

(d) No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

(e) Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

(f) *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

(g) Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

(h) The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

(i) *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

6. Truck Terminal Class II "Limited Repairs" as defined by the Connecticut General Statutes Section 14-51 which is subordinate, customary, and incidental to a Truck Terminal Class II, Provided that:

(a) Limited Repairer license shall be subordinate, customary and incidental to the Truck Terminal Class II and shall not exceed twenty-five (25) percent of the total aggregate building area.

(b) Repairs of vehicles shall be conducted only during the hours of 7:00 a.m. to 5:00 p.m. on Weekdays only. Saturday & Sunday repair operations are expressly excluded[183].

502.2 Special Permit Uses

a. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be forty thousand (40,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front yard* or *side yard*s of the *premises* where such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or Federal agency. This play area must be fenced to a minimum height of at least four (4) feet. The designated play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

[183] *Amendment to Article V, Section 502.1b, Addition of Truck Terminal Class II "Limited Repairs" to Permitted Accessory Uses & Use. Effective Date: June 2, 1999*

6. Required parking shall be one space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station, and one (1) space for each two hundred (200) square feet of gross dedicated office area.

b. Non-profit donation drop-off boxes[184] provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

c. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, provided that:

1. Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

2. When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six feet, or other screening devices shall be installed along said rear or side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

3. For the purpose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

[184] *Amendment to Article IV, Section 502.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*

d. [185]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spac*es and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

e. [186]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic

[185] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*
[186] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

10. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

f. [187]*Marijuana Production Facility*, provided that:

   (a) The *production* of *marijuana* shall be conducted indoors.

   (b) A proposed security plan for the *production facility* shall be outlined in a report to be reviewed and approved by the East Hartford Chief of Police.

   (c) The Fire Department shall review the storage of fertilizers associated with the *production* of *marijuana* and the fire-fighting feasibility of the proposed *production facility*.

   (d) The *production* of *marijuana* shall not create the emission of dust, odor, fumes, smoke, wastes, noise, vibrations, traffic, and environmental impacts to surrounding properties.

g. [188]*Substance Abuse Treatment Facilities* provided that:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public

[187] *Amendment to Article IV, Section 502.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective December 3, 2013*

[188] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*

school, *house of worship*[189], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.

2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

h. *Telecommunication Towers (Freestanding Commercial Wireless*)[190] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

i. *Truck terminal*s, *class I*, provided that:

1. The minimum *lot* size shall be ten (10) acres with a minimum frontage on one (1) *street* of one hundred fifty (150) feet;

2. A docking platform shall be at least ninety (90) feet from any facing *lot line*;

[189] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[190] *Amendment to Article V, Section 502.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

3. No docking apron space shall be used for parking of vehicles not at the docking platform;

4. No *building* shall be within forty (40) feet of any *lot line*; and

7. There shall be not more than two (2) curb cuts having a fifty (50) foot radius at the curb and having a width of at least forty (40) feet at the *street line*.

j. New/used truck sales and services, provided that[191]:

1. The lot shall have an area of at least eighty thousand (80,000) square feet and have a frontage on one (1) street of at least two hundred (200) feet;

2. The use and service area of the lot shall be separated from the street and adjacent property lines by curbed and landscaped islands at least five (5) feet in width, except for clearly defined lanes of ingress and egress;

3. No vehicle shall be parked in the required front yard; and

4. No truck filling station shall be permitted nor may there be any sale of gasoline/diesel in connection with the permitted uses.

5. The outside storage of vehicles shall be screened from abutting properties by appropriate ornamental fencing, landscaping or a combination of these, as approved by the Commission. No such screening shall be required along any property line which abuts any State of Connecticut non access highway line.

6. Service and repair may be conducted only as part of, or in connection with, a sales facility and only when the sale of automobiles or trucks constitutes the major portion of the business conducted on the premises.

k. A vertical take-off landing (VTOL) field, including a helicopter landing field, where such use is deemed necessary to the public convenience and welfare.

502.3 *Lot* Sizes and Areas

Each *lot* shall have an area of at least twenty thousand (20,000) square feet and a width of at least one hundred (100) feet. Furthermore, each *lot* shall have a minimum of seventy (70) feet of *street* frontage on a State of Connecticut or Town of East Hartford duly accepted *street* or approved Subdivision *Street*. The provisions of these regulations do not allow for *lots* without the required *street* frontage.

502.4 *Yards*

a. Each *lot* shall have a *front yard* not less than twenty-five (25) feet in depth.

b. Each *lot* shall have two *side yard*s having a total width of twenty-five (25) feet, but no *side yard* shall be less than ten (10) feet in width.

c. Each *lot* shall have a *rear yard* of not less than twenty-five (25) feet in depth.

d. Each separate *building* on the *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

d. Parking areas shall be set back ten (10) feet from the side and rear *lot* lines, except where the side and *rear lot line*s are adjacent to railroad rights-of-way.

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502.5 ***Lot Coverage***

a. All *building*s including *accessory building*s shall cover not more than seventy-five (75) percent of the area of the *lot*.

b. The maximum impervious surface area shall be eighty-five (85) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

502.6 Maximum Height

No *building* shall exceed fifty (50) feet in height, subject to applicable State and Federal regulations dealing with air lanes.

Section 503 Industry 3 (I-3) Zone

503.1 Permitted Uses

a. Any use of land or *building* is permitted except the following uses, permitted uses with special requirements as noted in subsection b and the special permit uses noted in Section 503.3:

1. Acetylene gas manufacture
2. Ammonia, chlorine or bleaching power manufacture
3. Animal black, lamb black or bone black manufacture
4. Asphalt manufacture or refining
5. Blast furnaces, except cupolas or converters used in foundries
6. Coke ovens, except in the manufacture of gas and incidental by products by a public utility
7. Crematory, except in a cemetery
8. Creosote treatment of manufacture
9. Distillation of coal, petroleum, refuse, grain, wood or bones except in the manufacture of gas
10. Fireworks and explosives manufacture of storage except small arms ammunition
11. Fertilizer manufacture
12. Glue, size or gelatin manufacture, where the processes include the refining or recovery of products from fish, animal refuse or offal
13. Grease, lard, fat or tallow rendering for refining
14. Grain drying or food manufacture from refuse, mash or grain
15. Outdoor storage or baling of scrap paper, rags, iron, bottles or junk
16. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal, except by the municipality or its agent
17. Oil cloth or linoleum manufacture
18. Paint, oil varnish, turpentine, shellac or enamel manufacture
19. Petroleum refining
20. Raw hides or skins storage, cleaning, curing or tanning
21. Commercial slaughtering
22. Smelting of iron, copper, tin, zinc or lead from ores
23. Starch, Glucose or dextrin manufacture

24. Stock yards

25. Sulfurous, sulfuric, nitric, picric, carbonic or hydrochloric acid manufacture

26. Nuclear reactors

27. Storage or disposal of radioactive and or toxic wastes generated outside the Town of East Hartford

28. Manufacturing of cement, lime, gypsum, plaster of Paris and distillation of kerosene

29. Similar uses to the above which are dangerous by reason of fire, explosion, radioactivity, or injurious or detrimental to the surrounding area by reason of the emission of dust, odor, fumes, smoke, wastes, refuse material, noise, vibrations, traffic, environmental impacts or because of any objectionable feature except storage plants for kerosene, gas, or fuel oil.

30. Any facility or establishment engaged in the sale of alcoholic beverages for the consumption on or off the *premises*

31. Schools

32. Hospitals

33. Convalescent homes

34. Residential dwellings

35. Motor vehicle *junkyard*s

36. Airports

37. *Houses of worship*[192], convents and similar uses operated by a duly incorporated non-profit organization.

38. *Service establishments* "Personal Tier (II)"[193]

c. Permitted uses with special requirements

1. Adult oriented establishments[194]

Preamble:

The Planning and Zoning Commission of the Town of East Hartford, Connecticut finds:

There are a number of "adult oriented establishments" located in the Town of East Hartford which require special supervision from the town's public safety agencies in order to protect and preserve the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the town's citizens.

Statistics and studies performed by a substantial number of cities and towns in the United States indicate that large numbers of persons, primarily male, frequent such "adult oriented establishments," especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures

[192]*Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*
[193] *Amendment to Article V, Section 503, Industrial District Zoning Regulations, Effective Date: September 2, 2015*
[194]*Amendment to Article V: Industry 3 (I-3) Zone, Section 503.1b, Permitted uses with special requirements, Adult oriented establishments. Effective September 8, 2008.*

and/or video tapes and/or live entertainment; and are considered "adult cabarets" which feature among other activities live performers characterized by exposure of "specified anatomical areas".

Such closed booths, cubicles, studios and rooms in adult oriented establishments, including but not limited to adult cabarets, have been used by patrons, clients or customers of such "adult oriented establishments" for the purpose of engaging in certain sexual acts.

Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.

Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes and/or with other members of the same sex, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

The reasonable regulation and supervision of such "adult oriented establishments" tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.

The continued unregulated operation of adult oriented establishments, including, without limitation, those specifically cited herein, is and would be detrimental to the general welfare, health and safety of the citizens of East Hartford.

The Constitution and laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise "adult oriented establishments" as hereinafter defined in order to protect the public health, safety and welfare.

It is not the intent of the Planning and Zoning Commission, in enacting this regulation, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Planning and Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video-tapes, books and/or other materials. Further, by enacting this Regulation, the Planning and Zoning Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

Adult oriented establishments subject to the following:

(a) No adult oriented establishment shall be permitted within a one thousand (1000) foot radius of an existing adult oriented establishment property line. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.

(b) No *adult oriented establishment* shall be conducted in any manner that permits the observation of any material depicting or describing *specified sexual activities* or *specified anatomical areas* from any public way. This provision shall apply to any *building* exterior display, decoration, *sign*, show window or other exterior opening.

SEVERABILITY

The sections of this regulation are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and not effect the validity of all other provisions, sections or portions thereof directly specified in the decision and not effect the validity of all other provisions, sections, or portions thereof of the regulation which shall remain in full force and effect.

2. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, subject to the following:
   (a) An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

   (b) Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

   (c) When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

   (d) For the propose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

503.2 Permitted *accessory use*s

a. Massage therapy accessory use may be provided when accessory to and subordinate to the following (massage therapy may not be provided as a standalone or principal business or use)[195]:

   1. Licensed medical practice

   2. Licensed chiropractic practice

   3. Licensed physical therapy practice

   4. Licensed sports medicine practice

   5. Fitness and training center

   6. Multi-disciplined beauty salon business

b. Propane exchange cages associated with a conforming retail store or automobile filling station provided that[196]:

   1. Cages must be placed within the buildable area of the lot;

   2. Unless accessory use propane exchange cages are located on premises that are subject to an existing special permit, a minimum lot size shall be ten thousand (10,000) square feet;

   3. Cages shall not result in sight line concerns for vehicular circulation internal or external to the site;

[195] *Amendment to Article V, Section 503, Industrial District Zoning Regulations, Effective Date: September 2, 2015*
[196] *Amendment to Article V, Section 503 Industry 3 (I-3) Zone, Section 503.1 Permitted accessory uses, addition of Propane Exchange Cages. Effective Date: May 1, 2014*

4. Cages shall not be placed in required parking spaces and shall be located on a paved / concrete surface only;

5. There must be no more than two (2) propane exchange cages per lot;

6. Cages shall be lockable ventilated metal locker or rack that prevents tampering and pilfering. Cages must be no larger than 44" width, 29" depth and 50" overall height;

7. All propane exchange/storage must be accomplished within the fully enclosed cage/s.

8. Signs shall be installed on the cages listing exchange procedures and shall contain the identification of the company name along with a local or toll free phone number and address clearly visible on the cages. Advertising on the cages shall not be allowed;

9. Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).

3. Cage location and installation shall be approved by the Town of East Hartford Fire Marshall and shall be in accordance with the Connecticut Liquefied Petroleum Gas and Liquefied Natural Gas Code (NFPA 58 as adopted and amended).

b. Outdoor display and storage of rental vehicles/boats, except for rental automobiles and trucks associated with a new/used automobile and truck sales and *service establishment*, only to conforming automobile filling stations and *repair garage*s, boat sales and boat *marina*s, subject to the following:

1. An accurate site plan drawn to scale shall be required to be filed with and approved by the Zoning Enforcement Officer before any conforming gasoline station, boat *marina* or new/used boat sales and service *premises* shall be occupied by rental vehicles/boats. Such site plan shall show the location of existing *building*s and improvements, existing off-street *parking space*s required for the principle use, the location and dimensions of *parking space*s for rental vehicles/boats, the number, types and sizes of the rental vehicles/boats, fencing or *landscaping* to be provided, dimensions and area of the *premises* and such other information as the Zoning Enforcement Officer shall require.

2. Rental vehicles/boats shall be parked adjacent to the rear property line but in no case closer than twenty-five (25) feet from any *street line*.

3. When the rear or side property line of the site storing rental vehicles/boats adjoins a *lot* which is occupied by a residential *structure*, a decorative fence having a minimum height of six (6) feet, or other screening device, as required, to be installed along said rear of side property line. Said required fence or *landscaping* shall extend along the rear or side of the *parking space*s provide for storage.

4. For the purpose of this regulation, when said *premises* is a *corner lot*, the rear property line shall be interpreted as being the property line parallel or approximately parallel to that adjoining *street* which has the widest paved travel width.

c.[197]*Temporary Seasonal Outdoor Restaurant Dining Facilities* provided that:

1. Any conforming *restaurant/eating establishment* or *restaurant/automobile oriented use* may provide outdoor dining facilities provided a yearly *seasonal outdoor dining facility* permit shall be applied for and approved by the Department of Permits and Inspections. An accurate site plan drawn to scale shall be required to be filed with the *seasonal outdoor dining facilities* permit application. It shall indicate the location of the *temporary seasonal outdoor dining facilities* on the property, trash receptacles, and

[197] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

description of *outdoor dining area* amenities. Renewal of a previously approved seasonal outdoor dining facility permit shall be exempt from site plan requirements, provided no changes have occurred;

2. *Seasonal outdoor dining facility* cannot exceed twenty-five (25%) percent of the *gross floor area* of the *restaurant* or maximum sixteen (16) seats whichever is greater.

3. No outside audio systems or live entertainment shall be permitted;

4. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. *Seasonal outdoor dining* shall not result in the interference with or hazards to pedestrians on sidewalks or vehicular traffic. Sidewalk access shall be maintained.

7. Waiter or waitress service shall not be provided to the *seasonal outdoor dining facility*.

8. The serving or consumption of alcoholic beverages is not allowed within the *seasonal outdoor dining facility* even if the *restaurant/eating establishment* has any form of a liquor license.

9. *Seasonal outdoor dining facility* cannot be located on public property with the exception of *restaurant/eating establishment* or *restaurant/automobile oriented use* located within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.). Any facilities within the Business 5 (B-5) zone or Comprehensive Rehabilitation Zone (C.D.R.) shall receive public right of way permission from the *owner* of the property.

503.3 [198]**Special Permit Uses**

a. A landing field for aircraft as an *accessory use* to a permitted use in an Industry 3 (I-3) Zone.

b. Daycare centers/nurseries as defined in Connecticut General Statutes Section 19a-77(a), provided that:

1. The minimum *lot* size shall be eighty thousand (80,000) square feet;

2. No playground equipment or other equipment used in connection with such facility shall be maintained on the required *front yard* or *side yard*s of the *premises* where such facility is located;

3. Vehicle parking and circulation pattern shall be arranged and designed to avoid conflicts with pedestrian traffic associated with the drop off and delivery of children;

4. A minimum outdoor play area of seventy-five (75) square feet per registered child shall be provided on site unless greater requirements are imposed by the regulations of any other State or

Federal agency. This play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the commission. The designated play area shall be designed and located for safety as to avoid the possibility of receiving bodily injury from accident hazards;

[198]*Amendment to Article V: Industry 3 (I-3) Zone, Section 503.3, Special Permit Uses. Effective September 8, 2008.*

5. All exterior lighting associated with the operation of the facility shall be designed not to interfere with adjacent properties; and

6. Required parking shall be one (1) space for each five hundred (500) square feet of *gross building floor area* exclusive of the dedicated office area plus one (1) space for each teaching station and one (1) space for each two hundred (200) square feet of gross dedicated office area.

c. Non-profit donation drop-off boxes[199] provided that;

1. The donation drop-off boxes must be placed within the buildable area of the *lot*;

2. Unless donation drop-off box is located on premises that are subject to an existing special permit, a minimum *lot* size shall be ten thousand (10,000) square feet;

3. Donation drop-off boxes shall contain the identification of the organization responsible for the drop-off box, along with a local or toll free phone number and address clearly visible on the donation drop-off box;

4. Donation drop-off boxes shall not result in sight line concerns for vehicular circulation internal or external to the site;

5. Donation drop-off boxes shall not be placed in required parking spaces and shall be located on paved/ concrete surfaces or crushed stone;

6. Donation drop-off boxes shall only be allowed if owned and operated by duly authorized not for profit organization that have a tax exempt status under Section 501 (c)(3) of the Internal Revenue Code as amended; Evidence of the owner or purveyor's non-profit status shall be submitted with the special permit application;

7. There must be no more than two (2) donation drop-off boxes per *lot*;

8. Donation drop-off boxes must be no larger than six (6) feet wide, by six (6) feet deep and eight (8) feet high and shall have an exterior earth tone color finish;

9. All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the Town of East Hartford at the lot owner's expense. The expense of the removal may constitute a lien on the whole lot where the donation drop-off box is located.

d. [200]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment* provided that:

1. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

2. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

3. All access to the *permanent seasonal outdoor dining facility* shall be through the indoor *restaurant* facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings.

[199] *Amendment to Article IV, Section 503.3, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 19, 2011*
[200] *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

4. Tables and chairs must be located in such a manner as to maintain access to the building for emergency services.

5. *Permanent seasonal outdoor dining facility* shall not result in the interferences with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

6. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

7. *Permanent seasonal outdoor dining facilities* shall be located on the *lot* as to not interfere with:

   (a) The safe use of the required *parking spa*ces and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

8. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying.

e. [201]*Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment serving alcoholic beverages*

1. *Restaurant/eating establishment* shall have an existing license to serve alcoholic beverages.

2. Parking shall be provided at a rate of one (1) *parking space* for every three (3) legal occupants within the *permanent outdoor seasonal restaurant dining facility*.

3. No advertising *signage* on outdoor umbrellas, awnings or chairs are permitted unless it complies with section 210 of these regulations herewith in.

4. All access to the *permanent outdoor dining facility* serving alcoholic beverages shall be through the indoor restaurant facilities. Appropriate barriers shall be utilized such as but not limited to walls, fencing, or railings. Barriers for the purpose of *Restaurant/eating establishment* serving alcoholic beverages shall be designed to prevent the illegal transmission of alcoholic beverages to non-dining areas. Consideration will be given to the location and elevation of the exterior deck or patio dining area.

5. Tables and chairs must be located in such a manner as to maintain access to the *building* for emergency services.

6. Permanent seasonal outdoor dining shall not result in the interference with or hazards to, visibility problems for pedestrians on sidewalks or vehicular traffic.

7. *Permanent seasonal outdoor dining facilities* shall not be located in any required *front, side or rear yard* and shall be screened from abutting properties by appropriate ornamental fencing, *landscaping* or a combination of these, as approved by the Commission. All parking and parking access drives shall

[201]*Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

be located a minimum of ten (10) feet from the *permanent outdoor restaurant dining facilities* unless suitable buffers are approved by the Planning and Zoning Commission.

8. *Permanent seasonal outdoor dining facilities* shall be located on the lot as to not interfere with:

   (a) The safe use of the required *parking spac*es and their required drives;

   (b) Interior pedestrian circulation;

   (c) Adjacent properties;

   (d) The access driveway from any public street; or

   (e) Traffic on any abutting public street.

9. Outdoor loudspeakers or live entertainment shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 "Control of noise pollution emitted by sound amplifying equipment" as amended.

f. *Restaurant/automobile oriented use*

g. [202]*Production Facility*, provided that: Subject to the review provisions of Section 207 Special Permit Uses. The following standards shall apply in addition to Section 207:

   (a) The *production* of *marijuana* shall be conducted indoors.

   (b) A proposed security plan for the *production facility* shall be outlined in a report to be reviewed and approved by the East Hartford Chief of Police.

   (c) The Fire Department shall review the storage of fertilizers associated with the *production* of *marijuana* and the fire-fighting feasibility of the proposed *production facility*.

   (d) The *production* of *marijuana* shall not create the emission of dust, odor, fumes, smoke, wastes, noise, vibrations, traffic, and environmental impacts to surrounding properties.

h. [203]*Substance Abuse Treatment Facilities* provided that:

1. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if
   any part of such *building* or *premises* is situated within one thousand (1,000) feet in radius from any part of such *building* or *premises* used for purpose of public schools, a duly authorized school other than a public school, *house of worship*[204], charitable institution whether supported by public or private funds, hospital, library, public playground, daycare facilities, or of any *lot* or parcel classified as Residential Zoned. Measurement of the *lot* or parcel upon which the existing or proposed *substance abuse treatment facility* will be situated.
2. No *building* or *premises* shall be used and no *building* shall be erected altered that is arranged, intended or designed to be used for the use as a *substance abuse treatment facility* if any part of such *building* or *premises* is situated within one thousand five hundred (1,500) feet radius any other conforming or nonconforming *substance abuse treatment facility* will be situated.

[202] *Amendment to Article V, Section 503.3: Industrial District Zoning Regulations, addition to Special Permit Uses. Effective Date: December 3, 2013*
[203] *Amendment to Article IV, Section 401.2, Business District Zoning Regulations: addition to Special Permit Uses. Effective Date: August 13, 2003*
[204] *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

i. *Telecommunication Towers (Freestanding Commercial Wireless)*[205] provided that:

1. A map is prepared by a licensed State of Connecticut Land Surveyor depicting the extent of the provider's planned coverage within the Town of East Hartford and the service area of the proposed wireless telecommunication site.

2. A map is prepared by a licensed State of Connecticut Land Surveyor, together with supporting documentation indicating the search radius for the proposed wireless telecommunication site.

3. Details are provided of all proposed antennae structures and mounting equipment, including size and color.

4. A design drawing is prepared, including cross section and elevation of all proposed towers. Also, a description of the tower's capacity, including the number and type of antennae it can accommodate, as well as the proposed location of all mounting positions for *co-located* antennae, and the minimum separation distance between antennae. Where a monopole design is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

5. A report is prepared from a licensed engineer, indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 225: Commercial Wireless Telecommunications - General Requirements. Such report shall also certify that the installation of such a site will not interfere with public safety communications and the degree to which radio/television reception, standard utility communications, cable systems and data transmission lines will be affected.

6. The minimum lot area shall be one and a half times the underlying zone, or twenty thousand (20,000) square feet, whichever is greater.

7. All freestanding towers shall be located a minimum distance from any property line of at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

8. All equipment buildings/boxes or equipment areas fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

9. It meets all general commercial wireless telecommunication requirements as set forth in Section 225.

503.4 *Lot* Sizes and Areas

Each *lot* shall have an area of at least forty thousand (40,000) square feet and shall be of such shape that a square that a square with two hundred (200) feet on each side will fit on the *lot* behind and touching the required *setback* of the *front yard*.

503.5 *Yard*s

a. Each *lot* shall have a *front yard* of not less than twenty-five (25) feet in depth.

b. Each *lot* shall have two *side yard*s having a total width of twenty-five (25) feet, but no *side yard* shall be less than ten (10) feet in width.

c. Each *lot* shall have a *rear yard* of not less than twenty-five (25) feet in depth.

d. Each separate *building* on the *lot* shall be at least ten (10) feet from any other separate *building* on the *lot*.

[205] *Amendment to Article V, Section 503.2, Industrial District Zoning Regulations: addition to Special Permit Uses. Effective Date: July 18, 1997*

503.6 ***Lot Coverage***

a. All *building*s including *accessory building*s shall not cover more than seventy-five (75) percent of the area of the *lot*.

b. The maximum impervious surface area shall be eighty-five (85) percent.

1. Exemption from maximum impervious surface requirement

*Lot*s which existed prior to March 15, 1997 which exceed the maximum impervious surface requirement above shall be exempt from the maximum impervious surface requirement. Additions which do not increase the impervious surface area, constructed on such existing *lot*s shall also be exempt from the maximum impervious surface requirement. The plans for any addition to such *building*s must contain an on-site storm water management program that is acceptable to the Town Engineering Department.

503.7 Maximum Height

No *building* shall exceed one hundred (100) feet in height, subject to applicable State and Federal regulations dealing with air lanes.

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ARTICLE VI: SPECIAL DISTRICT ZONING REGULATIONS

Section 600 Introduction

Special District zoning regulations may be applied as appropriate in any of the zoning districts described in Articles III, IV, and V and Sections 603 and 604 of these regulations. Special District zoning regulations may be imposed or approved by the Planning and Zoning Commission to:

a. Extend the scope of land planning and development from the concept of individual *lot*s and *structure*s to the planning and *development* of areas with groups of *structure*s erected thereon as a coordinated entity and to provide for more efficient allocation and maintenance of common usable open space for recreation and/or conservation.

b. Protect life, property and the general welfare through appropriate restriction on *development* in areas of natural hazard.

Section 601 Flood Hazard Zone[206]

The following regulations may be applied as appropriate in any of the zoning districts described in Articles III, IV, and V and Sections 603 and 604 of these regulations. Flood Hazard Zone Regulations may be imposed or approved by the Planning and Zoning Commission to protect life, property and the general welfare through appropriate restrictions on *development* in areas of natural hazard.

601.1 Definitions

In the construction of this regulation, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law or as herein defined, shall be construed and understood accordingly. Words defined in Section 601 have been identified within the text of this Section by the use of italics and underlining. The following definitions apply only to text located within Section 601.

BASE FLOOD: The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood or 100 year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: see definition for "Structure".

COST: Means as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey

[206] *Amendment to Article VI, Section 601 to add federal/state mandated modifications to the Municipal Flood Hazard Area regulations and new Federal Emergency management Agency (FEMA) Flood Insurance Rate Mapping (FIRM). Effective Date: September 8, 2008.*

costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, *building*s or other *structure*s, the construction of additions or substantial improvements to buildings or other structures, mining, dredging, filing, *grading*, paving, excavating, drilling operations, or permanent storage of materials or equipment; and the storage deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

EXISTING MANUFACTURED (MOBILE) HOME PARK: For the purposes of Article VI, a manufactured home park or subdivision for which the construction of facilities for servicing the *lot*s on which the manufactured homes are to be affixed is completed before December 18, 1979.

EXISTING MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION, EXPANSION TO: For the purposes of Article VI, preparation of additional sites by the construction of facilities for servicing the *lot*s on which the manufactured homes are to be affixed (including the installation of utilities, the construction of *street*s and either final site *grading* or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE: Living space that can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), had sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathroom, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair, or replace.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100 year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

FLOOD INSURANCE STUDY (FIS): The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

FUNCTIONALLY DEPENDENT USE OR FACILITY: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The *lowest floor* of the lowest enclosed area (including basement). An unfinished or *flood*-resistant enclosure, usable solely for parking of vehicles, *building* access or storage in an area other than a basement area is not considered a *building*'s *lowest floor* provided that such an area meets the design requirements specified in Section 601.11d. of this regulation.

MAJOR FLOOD HAZARD DEVELOPMENT: All activities not defined as *minor flood hazard development*.

MANUFACTURED (MOBILE) HOME: For the purposes of Article VI, a *structure* transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures place on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION: For the purposes of Article VI, a parcel (or contiguous parcels) of land divided into two or more manufactured home *lot*s for rent or sale.

MARKET VALUE: The market value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvements.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which *base flood* elevations shown on a community's *Flood Insurance Rate Map (FIRM)* are referenced.

MINOR FLOOD HAZARD DEVELOPMENT: Any of the following *development* activities which comply with construction methods and compensatory storage as per Section 601.10:

a. Decks attached to existing residential *structure*s;

b. Residential *accessory structure*s; and

c. Rehabilitation of existing storm drainage, utilities, sidewalks, driveways or roadways.

NEW CONSTRUCTION: *Structure*s for which construction commenced on or after the effective date of this section, March 15, 1997, and include any subsequent improvements to such *structure*s.

NEW MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE: A vehicle that is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projections designed to be self-propelled or permanently towable

by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, and AH. The SFHA is also called the Area of Special Flood Hazard.

START OF CONSTRUCTION: (includes *substantial improvement*): The date the building permit was issued, provided the actual *start of construction*, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date.

The actual start means the first placement of permanent construction of a *structure* (including a *manufactured (mobile) home*) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation of placement of a *manufactured (mobile) home* on a foundation. Permanent construction does not include land preparation such as clearing, *grading* and filling; the installation of trees and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or the installation on the property of *accessory building*, such as garages or sheds not occupied as *dwelling unit*s or not part of the main *structure*.

STRUCTURE: A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its condition before damage occurred would equal or exceed fifty (50) percent of the market value of the *structure* before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a *structure* in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the *structure*. The market value of the *structure* should be the appraised value of the *structure* prior to the start of the initial repair or improvements or in the case of damage for the purposes of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the *structure*. The term does not, however, include any project for improvement of a *structure* required to comply with existing health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.

VARIANCE: A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION: A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

WATER-SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of *flood*s of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

601.2 Statutory Authorization

The Legislature of the State of Connecticut has in Title 8, Chapter 124, Section 8-2 of its General Statutes delegated the responsibility to local government units to adopt regulations designed to promote public health,

safety, and general welfare of its citizenry. Therefore, the Town of East Hartford, Connecticut does ordain as follows:

a. Findings of fact

1. The *flood* hazard areas of East Hartford are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for *flood* protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These *flood* losses are caused by the cumulative effect of obstructions in areas of special *flood* hazards that increase *flood* heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproof, elevated or otherwise protected from *flood* damage also contribute to the *flood* loss.

b. Statement of purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to *flood* conditions in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money for costly *flood*-control projects;

3. To minimize the need for rescue and relief efforts associated with *flooding* and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruption;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, *street*s and bridges located in areas of special *flood* hazard;

6. To help maintain a stable tax base by providing for *development* in areas of special *flood* hazard to minimize future *flood* blight areas;

7. To ensure that potential buyers may be assisted in determining whether property is in an area of special hazard; and

8. To ensure that those who occupy the areas of special *flood* hazard assume responsibility for their actions.

c. Lands to which this regulation applies

This regulation shall apply to all areas of special *flood* hazard within jurisdiction of the Town of East Hartford.

d. Basis for establishing the areas of Special *Flood* Hazard Zones A, AE

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of East Hartford, dated September 16, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated September 26, 2008 (Panels 09003C0386F, 09003C0387F, 09003C0388F, 09003C0389F, 09003C0526F, 09003C0527F and September 16, 2011 (panel 09003C0367G, 09003C0368G, 09003C0369G, 09003C0507G)[207], and other supporting data and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation.

[207] *Amendment to Article VI, Section 601.2 Statutory Authorization, Effective date September 16, 2011*

Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated at a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Town Hall, 740 Main Street, East Hartford, Connecticut.

e. Compliance

No *structure* or land shall hereafter be constructed, located, extended, converted, or altered within any established Flood Hazard Zone without full compliance with the terms of this regulation of other applicable regulations.

f. Abrogation and greater restrictions

This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and other regulations, easements, covenants, or deed restrictions conflict or overlap, the more stringent restrictions shall prevail.

g. Interpretation

In the interpretation and application of this regulation, all provisions shall be:

1. Construed as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

h. Warning and disclaimer of liability

The degree of *flood* protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *flood*s can and will occur on rare occasions. *Flood* heights may be increased by manmade or natural causes. This regulation does not imply that land outside the areas of special *flood* hazard or uses permitted within such areas will be free from *flooding* or *flood* damages. This regulation shall not create liability on the part of the Town of East Hartford, any officer or employee thereof, or the Federal Emergency Management Agency, for any *flood* damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

i. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

601.3 Administration

a. Designation of the Planning and Zoning Commission

The Town Planning and Zoning Commission is hereby appointed to administer and implement this regulation by granting or denying Major/Minor Flood Hazard Development Permit applications in accordance with its provisions. All Major Flood Hazard Development Permit applications shall require a public hearing.

601.4 Minor Flood Hazard Development Permit application procedure and required information

Application for a Minor Flood Hazard Development Permit shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least fifteen (15) days prior to the regularly scheduled meeting of the Planning and Zoning Commission.

a. Where a regulated *minor flood hazard development* activity, as defined herein, shall be proposed, which the applicant can reasonably demonstrate the activity would be likely to have no adverse effect on levels of *flooding* or *erosion*, the applicant shall submit twelve (12) copies of an application and plan for review by the Commission. The plan shall be accurately drawn to scale from a certified survey of the property and shall show all existing features, including, but not limited to, *building*s, roads and natural features and sufficient data to adequately describe the proposed work and activities to be carried out. The Commission may require additional data and mapping to be submitted by the applicant where it judges the submission inadequate and may exercise its option as to the need to have a registered State of Connecticut Professional Engineer analysis to ensure compliance with general standards as set forth in Section 601.10.

b. All *minor flood hazard development* applications and plans shall be administratively reviewed by the Planning and Zoning Commission. Upon review of the application/plans, if the Commission finds that the scope of the proposed work or activity is so limited or insignificant that it shall present no adverse impact on levels of *flooding* or *erosion*, is not located within the regulatory floodway of a watercourse, or causes a structure, after it has been constructed, to change flood zones, it may issue a Minor Flood Hazard Development Permit without a public hearing.

601.5 Major Flood Hazard Development Permit application procedure and required information

Application for a Major Flood Hazard Development Permit shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least thirty four (34) days prior to the regularly scheduled meeting of the Planning and Zoning Commission. Furthermore, twenty (20) copies of the application shall be filed and shall contain, but not be limited to, the following information:

a. Address or location of subject parcel;

b. Assessor's map and *lot* number;

c. Size of subject parcel;

d. Zone of subject parcel;

e. Name, address, telephone number of petitioner(s);

f. Name, address, telephone number of *owner*(s);

g. Signature of petitioner(s);

h. Signature of *owner*(s);

i. Description of activity to be conducted;

j. Total number of square feet of land to be affected within Flood Hazard Zone, *floodway*, and *floodway* fringe;

k. Total number of square feet of land within the Flood Hazard Zone, *Floodway*, and *Floodway* fringe;

l. Name of associated watercourse(s); and

m. Narrative explanation of methods employed to comply with Sections 601.10, 601.11 and 601.12.

601.6 Accompanying the application form shall be:

a. A check made payable to the Treasurer, Town of East Hartford, in an amount determined by the Town of East Hartford and

b. Twenty (20) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by The Connecticut Association of Land Surveyors, Inc. (1975) as subject to amendment) site plan clearly drawn by a licensed land surveyor, to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statute. The following information shall be shown as a minimum:

1. The location of the proposed *development* and adjacent properties;

2. The existing and proposed topography including *soil* types, wetlands, watercourses, and water bodies;

3. Location of any existing *structure*s on the project site;

4. Proposed area alterations including cleared, *excavate*d, filled or graded areas and proposed *structure*s, utilities, roads and, if applicable, new property lines;

5. Location of and design details for all proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;

6. Sequence of *grading* and construction activities;

7. Sequence for installation and or application of *soil-erosion* and *sediment*-control measures;

8. Sequence for final stabilization of the *development* site;

9. Any other information deemed necessary and appropriate by the applicant or requested by the Commission, including but not limited to watershed map(s) and a statement of the project's impact on the watershed(s);

10. Elevation in relation to *mean sea level* or *lowest floor* (including basement) of all existing and proposed *structure*s;

11. Elevation in relation to *mean sea level* to which any *structure* has been *flood-proofed*;
12. Certification by a registered professional engineer or architect that the *flood*-proofing methods for any nonresidential *structure* meet the *flood*-proofing criteria in Section 601.11b;

13. Description of the extent to which any watercourse will be altered or relocated as a result of proposed *development*;

14. Submission of inaccurate or incomplete material shall be grounds for denial; and

15. One additional copy of the application and plans must be filed by the petitioner in the Town Clerk's office on or before the close out date.

601.7 Public Notices of Major Flood Hazard Development Permits

No Major Flood Hazard Development Permit shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town not more than fifteen days prior to the date fixed for such public hearing.

The applicant shall display a *sign* or *sign*s which indicate that an application for a *major flood hazard development* has been filed for the area on which the *sign* or *sign*s have been posted. Said *sign* or *sign*s shall be erected and maintained by the applicant wherever the parcel abuts each public or private *street* from the day that the notice of public hearing has been posted until the first secular day following the public hearing.

All requests for withdrawal without prejudice shall be made by the applicant at least one calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

601.8 Duties and responsibilities of the Town Engineer shall include, but not be limited to:

a. Application review

1. Review all *development* permit applications to determine that the permit requirements of this ordinance have been satisfied

2. Review all *development* permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required

3. Review all *development* permit applications to determine the validity of the applicant's measurements of the effects (specifically adverse effects) of the proposed *development* on the *flood* carrying capacity of the *area of special flood hazard*. For purposes of this ordinance, adverse effects means the cumulative effects of proposed *development* that when combined with all other existing and anticipated *development*, increases the *water-surface elevation* of the *base flood* more than one (1) foot at any point.

b. Use of other *base flood* data

1. When *base flood* elevation or *floodway* data have not been provided in accordance with Section 601.2d, Basis for Establishing The Areas of Special *Flood* Hazard, the Town Engineer shall obtain, review, and reasonably utilize any *base flood* elevation or *floodway* data available from a Federal, State or other source to determine whether the application meets the requirements of Sections 601.11 specific Standards, and 601.12, *Floodway*s.

2. Obtain and record the actual elevation (in relation to *mean sea level*) of the *lowest floor* (including basement) of all new or substantially improved *structure*s.

3. For all new or substantially improved *flood-proofed structure*s:
   (a) Verify the actual elevation (in relation to *mean sea level*) to the Building Official; and

   (b) Assist the Building Official as necessary to maintain the *flood*-proofing certifications as required in Section 601.6 b (12).

4. Maintain for public inspection all records pertaining to the provisions of this ordinance.

   (a) Notification and inspection

(1) Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Inspect to insure that maintenance is provided within the altered or relocated portion of said watercourse so that the *flood*-carrying capacity is not diminished.

(b) Maintain *flood*-proofing certifications

601.9 *Variance* procedure for Flood Hazard Zone

a. Appeal board

1. The Zoning Board of Appeals as established by the Town of East Hartford shall hear and decide appeals and requests for *variance*s from the requirements of this regulation.

2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Enforcement Officer in the enforcement of administration of this regulation.

3. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court, as provided in Connecticut General Statutes.

4. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this regulation, and other sections of this regulation, and:

(a) The danger that materials may be transported onto other lands to the injury or detriment of others;

(b) The danger to life and property due to *flooding* or *erosion* damage;

(c) The susceptibility of the proposed facility and its contents to *flood* damage and the effect of such damage on the individual *owner*;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location where applicable;

(f) The availability of alternative locations for the proposed use that are not subject to *flooding* or *erosion* damage;

(g) The compatibility of the proposed use with existing and anticipated *development*;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of *flood* for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and *sediment* transport of the *flood* waters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after *flood* conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and *street*s and bridges.

5. Generally, *variance*s shall be considered for *new construction* and *substantial improvement* to be erected on a *lot* of one-half acre surrounded by *lot*s with existing *structure*s constructed below the *base flood* level, providing items (a-k) in Section 601.9a(4) have been fully considered. As the *lot* size increases beyond the one-half acre, the detailed technical justification required for the support of the *variance*s is requested.

6. Upon consideration of the factors of Section 601.9a(4) and the purposes of this ordinance, the Zoning Board of Appeals may attach such conditions to granting of *variance*s as it deems necessary to further the proposes of this regulation.

7. The Building Official shall maintain the records of all appeal actions and report any *variance*s to the Federal Emergency Management Agency upon request in its biennial report.[208]

b. Conditions for *variance*s

1. *Variance*s may be issued for the reconstruction, rehabilitation or restoration of *structure*s listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

2. *Variance*s shall not be issued within any designed *floodway* if any increase in *flood* levels during the *base flood* discharge would result.

3. *Variance*s shall only be issued upon a determination that the *variance* is the minimum necessary, considering the *flood* hazard, to afford relief.

4. *Variance*s shall only be issued upon:

(a) A showing of good sufficient cause

(b) A determination that failure to grant the *variance* would result in exceptional hardship to the applicant

(c) A determination that the granting of a *variance* will not result in increased *flood* heights, additional threats to public safety, or extraordinary public expense; will not create nuisances, cause fraud on or victimization of the existing local laws or regulations.

5. Any applicant to whom a *variance* is granted shall be given written notice that the *structure* will be permitted to be built with a *lowest floor* elevation below the *base flood* elevation and that the cost of *flood* insurance will be commensurate with the increased risk resulting from the reduced *lowest floor* elevation up to amounts as high as $25 for $100 of insurance coverage.[209]

601.10 General standards

In all areas of special *flood* hazards, the following standards are required:

a. *Flood* Storage and Compensatory Storage

The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by any form of development of land, filling, regarding, structures, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless

[208] *Amendment to Article VI, Section 601.9 Variance Procedure for Flood Hazard Zone, Effective date: September 16, 2011*
[209] *Amendment to Article VI, Section 601.9 Variance Procedure for Flood Hazard Zone, Effective date: September 16, 2011*

easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

1. Equal Conveyance

   Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

2. No *variance* shall be allowed from this section unless it has been demonstrated that it can meet the provisions of the *floodway* requirements contained in 44 Code of Federal Regulations 601.12. The *floodway* utilized for any *variance* under this section by shall be those depicted on the *Floodway* maps prepared by Federal Emergency Management Agency (FEMA) for the Town of East Hartford and adopted by reference in Section 601.2d of these regulations.

b. Anchoring

1. All *new construction* and *substantial improvements* shall be anchored to prevent flotation, collapse or lateral movement of the *structure*.

c. Construction materials and methods

1. All *new construction* and *substantial improvements* shall be constructed with materials resistant to *flood* damage.

2. All *new construction* and *substantial improvements* shall be constructed using methods and practices that minimize *flood* damage.

3. All structural mechanicals such electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of *flooding*.

Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of *flood* waters into the system

2. New and replacement sanitary-sewage systems shall be designed to minimize or eliminate infiltration of *flood* waters into the systems and discharge from the systems into *flood* waters

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during *flooding*.

e. Subdivision proposals

1. All subdivision proposals shall be consistent with the need to minimize *flood* damage within *flood* prone areas.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize *flood* damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to *flood* damage.

4. *Base flood* elevation data shall be provided for subdivision proposals and other proposed *development*s that contain at least fifty (50) *lot*s or five (5) acres, whichever is less.

f. All manufactured homes in special *flood* hazard areas without *flood* elevations (A Zones) shall be installed using methods and practices that minimize *flood* damage. For the purpose of this requirement, *manufactured (mobile) home*s must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or ground anchors. This requirement is in addition to applicable State and Local anchoring requirement for resisting wind forces.

g. **Aboveground Storage Tanks** – Aboveground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

h. **Portion of Structure in Flood Zone** – If ***any*** portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure in considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

i. **Structures in Two Flood Zones** – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

j. **No Structures Entirely or Partially Over Water** – New construction cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

601.11 Specific standards

In all areas of special *flood* hazards where *base flood* elevation data have been provided as set forth in Section 601.2d, Basis for Establishing the Areas of Special *Flood* Hazard, or Section 601.8b, Use of Other *Base Flood* Data, the following provisions are required:

a. Residential construction

New construction and *substantial improvement* of any residential *structure* shall have the lowest elevation of any floor, including basement, located above the *base flood* elevation.

b. Nonresidential construction

New construction and *substantial improvement* of any commercial, industrial or other nonresidential *structure* shall either have the lowest elevation of any floor, including basement, located above the *base flood* elevation, or together with attendant utility and sanitary facilities, shall:

1. Be *flood-proofed* so that below the *base flood* level, the *structure* is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Building Official as set forth in Section 601.8b(3a and 3b).

c. *Manufactured (Mobile) Homes*

1. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) home to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 601.10. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

   a. All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

   b. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

2. *Recreational Vehicles*

   Recreational vehicles placed on any site within an *area of special flood hazard* shall either;

   (a) Be on site for fewer than one hundred eighty (180) days

   (b) Be fully licensed and ready for highway use (a *recreational vehicle* is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devises and has no permanently attached additions,) or

   (c) Meet the permit requirements of these regulations and the elevation and anchoring requirements for manufactured homes in paragraph 1 of this Section

   (d) In a zone where *base flood* elevations have been determined, but before a *floodway* is designed, no *new construction*, *substantial improvement*, or other *development* (including fill) will be permitted that will increase *base flood* elevations more than one (1) foot at any point along the watercourse when all anticipated *development* is considered cumulatively with the proposed *development*.

d. Fully enclosed areas below *base flood* elevation (wet *flood*-proofing)

All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing) Designs for complying with this requirement must either be certified by a Connecticut registered professional engineer or architect, or meet the following minimum criteria listed in sections 1-8 below:

1. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on a least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

2. The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at lease one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building. Drainage away from the structure must be provided by means of exterior ground contours that slope away from at least one side of the structure;

3. The openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Town Engineer;

4. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms. The portion of the structure below the base flood elevation cannot constitute a basement (i.e. cannot be an area of the structure having its below grade on all sides);

5. All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage;

6. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates;

7. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Section 601.11d 1-6. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood-proofed as per the requirements of Section 601.11b.

601.12 *Floodway*s

Located within areas of special *flood* hazard are areas designated as *floodway*s established in Section 601.2d. Since the *floodway* is an extremely hazardous area due to the velocity of *flood* waters that carry debris, potential projectiles, and *erosion* potential, the following provisions apply:

a. Encroachments, including fill, *new construction* *substantial improvements* to existing *structure*s, and other *development*, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with sound engineering practices that such encroachment shall not result in any (0.00) increase in *flood* levels during a 100-year *flood*. Such analysis must be certified by a registered professional engineer.

b. If Section 601.12a is satisfied, all *new construction* and *substantial improvements* shall comply with all applicable *flood* hazard reduction provisions of Section 601.12, provisions for *Flood* Hazard Reduction.

c. The placement of manufactured (mobile) homes is prohibited in the floodway.

Section 602 Comprehensive Rehabilitation Zone (CDR)

602.1 Purpose

A comprehensive downtown rehabilitation zone is a urban use zone which allows planned development of various types of commercial and residential land uses.

602.2 Intent

The intent of the "CDR" regulations is to permit greater flexibility and, consequently, more creative and imaginative design for development than generally is possible under conventional zoning. It is further intended to promote more economical and efficient use of the land and adaptive reuse of existing *building*s within the B-5 Zone.

Any application for a zone change to CDR Zone shall be heard in accordance with the requirements of the Connecticut General Statutes and Section 711 of these regulations, and the following requirements.

602.3 Location

Any parcel or parcels within the Town's Central Business District currently zoned B-5 may be included within the CDR zone.

602.4 Size

Minimum area shall be forty thousand (40,000) square feet. In the event that a proposed CDR Zone includes multiple parcels not in the same ownership, an agreement signed by *owner*s of all property proposed for inclusion within the Zone indicating their intent to develop the project in common shall be required.

602.5 Frontage

The site shall have a minimum frontage of fifty (50) feet on at least one of the following *street*s: Main Street, Connecticut Boulevard and Burnside Avenue.

602.6 Height

No *building* shall exceed fifty (50) feet in height. The Commission may modify this requirement if demonstrated by the applicant to be in the best interest of the Town.

602.7 *Lot Coverage*

Lot coverage shall be determined by the Town Planning and Zoning Commission.

602.8 *Yard*s

Minimum *yard* requirements shall be determined by the Town Planning and Zoning Commission.

602.9 Parking Requirements

It is recognized that many existing *building*s within the Central Business District were built prior to the widespread use of automobiles, and thus, were not designed to accommodate parking. It is further recognized that public parking is available in several locations within the district.

Therefore, required parking for permitted uses shall be limited to the parking available to existing *building*s. Any *building* additions or enlargements or new construction shall provide required parking associated with the addition, enlargement or new construction as required by Section 209 unless granted parking bonuses.

Town Planning and Zoning Commission may grant parking bonuses which reduce the required parking for new construction by twenty-five (25) percent if the following is demonstrated:

a. Proposed project must exhibit mixed use components (e.g. office, stores, restaurants etc.);

b. Total number of *parking space*s for mixed use components shall equal or exceed seventy-five (75) percent of the total required spaced for all individual uses;

c. The difference between the number of spaces proposed under the shared parking plan and that required based on individual uses shall be clearly identified, and a location to provide such spaces shall be clearly designated on the site plan; and

d. An easement shared parking document shall be executed and filed in the Town of East Hartford Land Records for multiple parcels not in the same ownership.

602.10 Permitted Uses

a. Antique and second-hand stores including outside storage or display of inventory subject to the following:

   1. Access to retail area shall be controlled with appropriate barrier;

   2. Sidewalk access shall be maintained; and

   3. Any such display shall not interfere with doorways or other required access.

b. Auditorium, concert hall, convention hall, lecture hall, theater or similar place or public assembly

c. Non-profit clubs and lodges

d. Commercial bakeries engaged in processing sale and distribution of food products

e. *Commercial recreation - indoor* and *outdoor*

f. Offices and financial institutions

g. *Restaurant/eating establishment* and *restaurant/automobile oriented use* including outside *building* food consumption subject to the following:

   1. Access to seating area shall be controlled with appropriate barrier;

   2. Sidewalk access shall be maintained; and

   3. Public right of way permission shall be granted by *owner*.

h. *Restaurant/eating establishment* serving alcoholic beverages subject to the conditions under Section 222

i. *Service establishment*s as defined in Section 200 of these regulations (excluding automobile service and repair)

j. Skilled artisan shops where goods such as, but not limited to pottery, glassware and leather are manufactured and sold on the *premises*

k. Stores for the sale of goods sold at retail, first hand (excluding automobile parts and accessories), that outside display of inventory be limited to the following conditions:

1. Public access to sidewalks shall be maintained;

2. No outside display shall extend beyond the boundaries of the storefront responsible for the display

3. Any such display shall not interfere with doorways or other required access.

l. Theaters

602.11 *Landscaping*

Landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, ground cover, earthworks (mounding, *grading*, etc.), pavement materials, fountains, flower beds, *street* furniture and lighting provided the following are complied with.

Street trees shall be required if none exist at a minimum rate of one (1) tree for every fifty (50) feet or part thereof of *street* frontage. *Street* trees shall consist of either deciduous shade trees, flowering trees or evergreen trees at two and one-half (2.5) caliper. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.

Transitional *landscaping* shall be employed between *building*s of different size, scale, architecture or use and to provide continuity of urban design. Transitional *landscaping* shall provide shade and visual interest on pedestrian systems and pedestrian systems designed for the movement of people between *building*s and from *building*s to parking, and to the *street*.

All *accessory use*s, such as utility *structure*s, dumpsites, storage facilities, loading or parking areas or similar uses shall be screened.

Landscape buffers of sufficient width and length shall be required to provide adequate treatment for residential uses from nonresidential uses. Such *landscaping* shall screen residential uses from visual intrusion and mitigate noise. The Commission shall determine the exact requirements.

602.12 Architectural Design Standards

In addition to the goal of integration with, and preservation of, the existing environment, *building*s and other physical improvements within the "CDR" shall be designed to enhance the aesthetic appearance of the community through an accepted vocabulary of architectural design, consistency of scale, and a compatibility with any adjoining neighborhood. Architectural designs shall contribute to the protection of property values, prevent future property deterioration, and promote accepted community living standards. Moreover, particular emphasis shall be placed on maintaining compatible architectural themes within the "CDR". This shall include but not be limited to architectural design, signage treatment, uses, and other amenities[210].

602.13 Application Procedure

Application for a zone change to "CDR" shall be made upon a form provided by the Planning and Zoning Commission conformance and filed with the Department of Development at least thirty-four (34) days prior to the regularity scheduled meeting of the Planning and Zoning Commission. Twenty (20) copies of the application shall be filed and shall contain the following information:

a. The current zone designation and the proposed zone designation;

[210] *Amendment to Article VI, Section 602.12, Special District Zoning Regulations: revised Architectural Design Standards language. Effective Date: October 4, 1997.*

b. Size of subject parcel;

c. Description of existing and proposed use of land and *building*s in zone change area;

d. Statement regarding how the proposed zone change will be of benefit to the Town of East Hartford;

e. Name, address and telephone number of petitioner(s);

f. Name, address and telephone number of *owner*(s);

g. Signature of *owner*(s);

h. Signature of petitioner(s); and

i. Name and addresses of all property *owner*s located within a distance of five hundred (500) feet of the boundary of the proposed zone change according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating the line property lines within a five hundred (500) foot radius around the subject site.

602.14 Accompanying the application form shall be:

a. A check made payable to Treasurer, Town of East Hartford, in the amount determined by the Town of East Hartford;

b. Twenty (20) copies of the appropriate sheets of the zoning maps indicating in color the proposed boundary lines of the area for which the change is applied;

c. Twenty (20) copies of a Master Site Development Plan (hereinafter "the Master Plan") of the entire site must be submitted to the Commission for approval. The Master Plan shall be prepared to a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by The Connecticut Association of Land surveyors, Inc. (1975), as subject to amendment) clearly drawn by a licensed land surveyor, to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes; and

d. The Master Plan shall include the following:

1. Date, true north arrow, and scale;

2. The current zone designation and the proposed zone designation;

3. The boundary line of all tracts in the proposed zone change area with accurate linear and angular dimensions drawn to scale;

4. Existing and proposed contours with a vertical interval of two (2) feet referred to sea-level datum;

5. The locations of existing *building*s and other *structure*s, open space, watercourses, bridges, culverts, storm drainage, utility lines, parking areas, walkways, traffic and pedestrian circulation, fencing, *landscaping*, and utilities easements both on the land to be developed and on land within fifty (50) feet of such proposed development;

6. When a site includes *building*s which are listed on the National Register of Historic Places, the State Register of Historic Places, or the Historic Inventory Survey of East Hartford, the applicant shall use best efforts to incorporate the *building*s into the Master Plan. The Commission shall approve a zone change to CDR which involves demolition of a *building* or *building*s so listed only upon a finding that

said *building* or *building*s are so dilapidated as to be a threat to the public health, safety and welfare, or that the benefit to the Town of such demolition substantially outweighs the benefit of preservation;

7. The location of all designated regulated areas including wetlands and Flood Hazard Zones;

8. All plans shall be certified and signed as per Connecticut General Statutes. Certification shall include both impression, ink seal and live signature of licensed design professional(s);

9. Architectural renderings and perspectives of all proposed *structure*s and their interaction with existing on-site *structure*s;

10. Proposed use of all proposed *building*s. When multiple uses are proposed, percentages of floor area for each use shall be shown;

11. Proposed phasing and time lines for each phase; and

12. Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.

602.15 Approval Process

Any application for a zone change to CDR shall be heard in accordance with the requirements of the Connecticut General Statutes this Section and Section 713 of these regulations, and the following:

a. At least fifteen (15) days prior to the hearing, the proposal shall be submitted to the Design Review Committee for an advisory report. Such report shall be submitted by the date of the hearing on the zone change and shall become a part of the record of said hearing. In the event that the Design Review Committee does not submit such report by the hearing date, it shall be deemed that the Committee does not object to such zone change.

b. At least fifteen (15) days prior to the hearing, the proposal shall be submitted to the Economic Development Commission for an advisory report which shall be submitted by the date of the hearing, and become a part of the record of such hearing.

   In the event that the Economic Development Commission fails to submit such report by the hearing date, it shall be deemed that the Commission has no objection to the proposed zone change. The Economic Development Commission report may be in writing or delivered in *person* by an authorized member of such Commission.

c. Approval of the zone change shall include approval of the Master Plan which shall govern future development of the site.

602.16 Public Notice

No zone change to "CDR" shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published at least twice, at intervals of not less than two (2) days before such hearing.

In a petition for a zone change to "CDR", the applicant shall display a *sign*(s) that indicates that an application for a change of zoning district has been filed for the area on which the *sign*(s) have been posted.

Said *sign*(s) shall be erected and maintained by the applicant wherever the parcel abuts each public or private *street* from the day the notice of public hearing has been posted until the first secular day following the public hearing. The requirements for this section shall not apply to the Planning and Zoning Commission of the Town of East Hartford.

All requests for withdrawal without prejudice shall be made by the applicant at least one (1) calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

No petition for change of zone to “CDR” after a public hearing has been rejected by the Planning and Zoning Commission or withdrawn by the petitioner shall be heard sooner than one (1) year from the date of rejection or withdrawal; or upon the consent of the Planning and Zoning commission, a petition may be withdrawn without prejudice and be heard within the one-year period.

If the Planning and Zoning Commission in its findings after a public hearing determines that a petition is valid but requires further information or study, it may request the petitioner to withdraw the application without prejudice and be heard within the one (1) year period.

Section 603 Design Development District[211] (DDD)

603.1 Preface

The proposed Design Development Zone is a zone that is not mapped when adopted, but is intended for large scale development sites. On a future date, the proposed zone will be placed on the ground at the request of the affected landowner(s) or Developer. It is felt that the proposed floating zone technique rather than conventional rigid zoning will result in more planning of land uses within these areas. Accordingly, to achieve this goal, it shall be the intent of these regulations to permit the development of multiple buildings owned by multiple owners on a single lot or on multiple lots.

603.2 Purpose

The purpose of this section is to establish special detailed use floating zones of undetermined location for large scale development sites. This regulation is intended to provide increased flexibility of land development while requiring greater administrative standards and procedures and long range planning.

603.3 Districts

There shall be two Design Development Districts as follows:

Design Development District I – 20 Acre Minimum
Design Development District II – Age Restricted Residential Development

603.4 Design Development District I (DDDI) – 20 Acre Minimum

603.4.1 Definitions

In addition to the definitions contained in Article II General Provisions Section 200 Definitions, the following words and phrases shall, for the purposes of this regulation, be defined as follows:

UNDERLYING ZONE DDDI: The Industrial 3 (I-3), Industrial 2 (I-2), Business 4 (B-4), and/or Business IA (B-1A) Zone which existed prior to the establishment of the Design Development District Zone. Adjacent land in other zones may be incorporated into a Design Development District provided the combined parcel meets the requirements of Section 603.4.3a.

PARCEL: Parcel shall mean any *lot* or tract of land which is the subject of an application for a change in zone and approval of Master Plan as set forth in Section 603.9j of these regulations. A parcel may be in single ownership or in multiple ownership. If in multiple ownership, the *owners* and applicants (if different from the *owners*) shall submit, as part of the application, an agreement binding them to act as one (1) *person* in developing the property.

603.4.2 Permitted land uses

Any uses permitted within the underlying zone or any other zone under these regulations, as a permitted use, a special permit use or otherwise, except *adult oriented establishments*, as specified herein, shall be permitted uses in the Design Development District Zone. Uses within the Design Development District shall be located

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[211] *Amendment to Zoning Regulations Adoption of Article VI, Section 603 Design Development District Effective Date: June 14, 2005*

with due consideration for compatibility and reasonable transition between such uses and other uses existing in areas adjacent to or in the immediate vicinity of the proposed Design Development District.

603.4.3 Minimum threshold limits for application

a. Size

The size of the parcel for which application may be made for a proposed Design Development District shall be at least twenty (20) acres. A tract of less than twenty (20) acres may be permitted to apply for Design Development District designation subject to the following:

1. Subject parcel shall be incorporated into an existing Design Development Zone Master/Plan

b. Utilities

The applicant shall submit a plan to insure that the parcel is capable of being serviced adequately by Metropolitan District Commission sewer and other utilities after full build out.

c. Traffic Management

The applicant shall submit a plan to insure that the parcel shall be accessed by roads which can adequately handle the full buildout capacity, whether privately, State or Town owned. The applicant will also provide analysis for an appropriate traffic management program, which depending on the types of uses and scope of development may include such traffic management techniques as mass transit, van and car pooling or other appropriate forms of traffic management.

d. Fragmented Zone Parcels

If the parcel described in an application for a Design Development District includes less than an entire tract owned by the applicant, the Commission may require that the applicant submit plans/documentation demonstrating how future access and utility service will be provided to the balance of the tract owned by the applicant.

603.4.4 Standards

a. It is the intention of these regulations that the standards pertaining to a Design Development District shall be those specifically set forth in these Design Development District zone regulations and those which are a part of an approved Master Plan and Site Plan hereunder. Accordingly, the provisions of these East Hartford Zoning Regulations, including, without limitation, those set forth in the underlying zone and in Article II shall continue to govern any Design Development District adopted by the Commission unless otherwise addressed by a specific standard contained in these Design Development District zone regulations or a standard approved by the Commission as a part of an approved Master Plan or Site Plan. Any standard established by either an approved Master Plan or Site Plan which is in conflict with the East Hartford Zoning Regulations must be identified in writing as a part of such approved Master Plan or Site Plan. If any provision of a Master Plan or Site Plan for a Design Development District as approved by the Town Planning and Zoning Commission shall conflict with other provisions of these East Hartford Zoning Regulations governing the underlying zone and/or with Sections 203, 204, 205, 207, 209 (Parking Regulations), 210, 211, 212, 213**,** 218, 219, and 222 the provisions of the approved Master Plan and/or Site Plan shall govern.

b. The Master Plan as approved shall set forth the permitted uses of the specific Design Development District zone approved by the Commission and in approving the Master Plan, the Commission is authorized to regulate and promulgate standards to which an approved Master Plan shall be subject.

c. The Design Development District overlay zone designation shall be granted only when the Planning and Zoning Commission finds, after public hearing, that the proposed Master Plan is in accord with public interest, convenience, and welfare after taking into account, where appropriate:

1. The nature of the proposed site including its size and shape and existing natural features;
2. The resulting traffic patterns and the adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed uses or features will be in harmony with the surrounding existing uses;
4. The proximity of dwellings, houses of worship, schools, parks, public *building*s, and of other places of public gatherings;
5. All standards contained in these regulations; and
6. The Plan of Development for the Town of East Hartford and other expressions of the purpose and intent of these regulations.

603.4.5 Buffer Requirement

a. Minimum Buffer Width

In any Design Development District in which the parcel is occupied by a *building* or other use and which abuts a Residence Zone, there shall be a fifty (50) foot buffer strip. The buffer strip may consist of shrubs, hedges, planted *berm*s or trees of sufficient mass to provide, within twelve (12) months of final completion, an appropriate screen between the parcel and the adjacent Residential Zone. Land areas adjacent to other land of the applicant or to another Design Development District or Development Area thereof shall be exempt from this subsection. Land areas adjacent to a duly accepted town, state or federal *street* or highway and abutting a Residence Zone shall also be exempt from this subsection provided that all *building*s must be set back from a Residence Zone one (1) foot for every foot of *building* height.

b. Enlargement of Buffer

The Commission may require an enlargement of the required minimum buffer width or *building* set back buffer width, up to one hundred (100) feet, if the proposed uses are considered incompatible with adjacent existing uses or do not provide a logical transition from existing adjacent development, and fifty (50) feet is considered an insufficient width to provide adequate screening.

603.4.6 Open Space Requirements

a. Provision For and Uses of Open Space

It is the intent of these regulations that open space areas of significant size be provided within a Design Development District I, appropriate to the use or uses to be conducted therein. The exact amount of required open space for any particular Development Area within a Design Development District I, up to the maximum requirements set forth in subsection b. below, shall be determined by the Commission. Open space shall be incorporated into the proposed Master Plan as a design feature, to buffer the proposed development from existing development, to serve as a transition between uses within the development, and/or as a principal use in its own right. In recognition of these varied open space uses and the variety of uses which may be proposed for a particular Design Development District I or Development Area, open space may include any natural areas, landscaped and/or formal planted gardens, important wetland systems or other significant natural areas, active and passive recreation areas and/or other unimproved land areas. Open space shall include all buffer areas and all other areas not covered by *building*s, paved parking areas or roadways, or other impervious surfaces.

b. Required Open Space

The maximum required open space to be preserved on any parcel developed under the Design Development District I regulations shall be based upon the general use category or categories planned therefore, as follows:

1. For industrial uses, including manufacturing, *warehouse* and processing and assembly of materials - fifteen (15) percent of land area

2. For retail uses, including shopping centers, retail sales and services, restaurants, *hotel*s/*motel*s, telecommunications services and other commercial retail uses - twenty (20) percent of land area

3. For office uses, including low rise and high rise office *building*s and office parks - thirty (30) percent of land area

4. For single or multiple *family* residential uses - fifty (50) percent of land area

5. For mixed-use projects — that percentage which is the aggregate of the prorated percentages for the various categories of proposed uses within the parcel, not to exceed thirty (30) percent of land area

c. Considerations for Reduction of Requirements

The exact amount of required open space for a parcel, up to the foregoing maximum requirements, shall be determined by the Commission after a consideration of the desirability of preserving open space within the parcel, including, among other factors, any ecologically important natural features within the parcel, the types of uses proposed for the parcel, existing uses adjacent to the parcel (it being recognized that parcels abutting existing residential areas may require more land devoted to open space than parcels abutting commercial or industrial land), and any recommendations of the Inland Wetlands Agent or Economic Development Commission.

The Commission may also reduce such requirements for a proposed Design Development District or Development Area if:

1. Open space shall be provided in an adjacent Design Development District or Development Area, or in other adjacent land of the applicant, sufficient to meet the open space requirements hereof for the combined parcels; or

2. The applicant can provide open space ("Alternative Open Space") at an alternative location outside the Design Development District parcel, which need not be contiguous to or in the immediate vicinity of the Design Development District parcel. Such Alternative Open Space shall be permanently preserved from future development. The Commission may substitute such Alternative Open Space for required open space on an acre for acre basis when public access is provided, and on a two (2) acres for one (1) acre basis when the Alternative Open Space is not publicly accessible, up to a maximum of fifty (50) percent of the open space which would otherwise be required, as determined by the Commission.

d. Types of Open Space

The location and extent of all open space shall be identified on the Master Plan and designated as major or urban design. Subsequent changes in use of open space from that designated on the approved Master Plan may be permitted by the Commission by Special Permit. Urban Design open space shall include traffic islands, median strips, lawns and *yard*s clearly associated with specific *building*s, planted *berm*s within parking lots and other improved areas of less than one-half (.5) acre. All other open space shall be considered major open space.

e. Authorized Preservation Methods

The applicant shall indicate at time of application how any alternative open space is to be maintained and preserved from development and shall submit a form of legal instrument designed to ensure such preservation, which methods of maintenance may consist of any of the following or any other appropriate method:

1. Deed or conservation easement to the Town of East Hartford, a Land Trust, State of Connecticut or other *non-profit organization* dedicated to conservation of open space;

2. Land held in common by a property *owner*s association incorporated as a non-profit corporation, subject, however, to a legally binding conservation easement or restrictive covenant in favor of the Town, the State of Connecticut or another entity that will preclude future development; or

3. Land held in personal, partnership, limited liability company, corporate or other form of ownership by the applicant, subject, however, to the transfer of development rights or some other method of preserving the open space from future development. Whichever method is selected, a legal instrument shall be prepared which:

   (a) Ensures continued use of open space for its intended purpose;

   (b) Provides for the maintenance of open space; and

   (c) Provides the Town of East Hartford, its agents and employees the right to enter upon the open space area to inspect, remove or correct any object or condition which may be deemed a nuisance or which presents an emergency or which may be a violation of the approved plan.

603.5 [212]Design Development District II (DDDII) – Age Restricted Residential Development

The purpose of this section of the regulations is to provide for the construction of cluster type alternative housing to meet the needs of those age 55 and older. The Planning and Zoning Commission, upon application in the manner prescribed herein, may designate a specific area as an "DDDII - Age Restricted Residential Development". Provision for age restricted housing with special design features is desirable in order to provide a balance and variety of housing types and styles, to offer a wide choice to the prospective resident, and to recognize the unique and special needs of those East Hartford residents age 55 years and older. It is anticipated that the development under this section will utilize the Uniform Common Interest Ownership provisions of the Connecticut General Statutes. No provision of this regulation shall be applied, enforced or implemented in a manner which is inconsistent with or prohibited by the fair housing laws of the United States and the State of Connecticut.

603.5.1 Definitions

In addition to the definitions contained in Article II General Provisions Section 200 Definitions, the following words and phrases shall, for the purposes of this regulation, be defined as follows:

"Age Restricted Development"(ARD). As used in this Section, "Age Restricted Development", or "ARD", shall mean the area defined by the Age Restricted Development Boundaries.

A bedroom is every habitable room other than a kitchen, living room, dining room, library, or bathroom, but not including open-air or screened porches, unheated or uninsulated spaces, and basements or cellars not designed to accommodate sleeping.

No tract of land shall be considered for an Age Restricted Residential Development unless it meets the following minimum qualifying standards:

a. The tract shall consist of a single lot or a number of contiguous lots under one ownership or control and have a total area of not less than ten (10) acres.

[212] *Amendment to Article VI, Section 603.5, Design Development District New Provisions for Age-Restricted Development. Effective Date: February 11, 2004*

b. The tract shall have a minimum of seventy-five (75) feet of frontage plus one foot for each dwelling unit, with a required maximum frontage of one hundred and fifty (150) feet on a State Highway and/or a Town designated arterial or collector roadway and shall have primary ingress and egress onto said roadway.

c. The tract shall be located in any zone district permitting residential use.

603.5.3 Development Standards

"Age Restricted Residential Development"

a. Single-Family Detached Housing in which ownership-occupant of the dwelling units shall be restricted by deed to at least one of the owner-occupants being *55* years of age or older; and/or

b. Single-Family Attached Housing cluster in which ownership-occupant of the dwelling units shall be restricted by deed to at least one of the owner-occupants being *55* years of age or older. Each single-family attached dwelling unit shall have independent ingress and egress to grade and no common exit access.

1. Density: The maximum number of units allowable shall depend upon: (i) the nature of the proposed site, (ii) the zone of the proposed site at the time of the adoption of these regulations, (iii) the relationship of the site to the adjoining neighborhood, and (iv) the public services as set forth above. Permitted density shall be based on the size of the site of the proposed ARD. In no event shall density exceed four (4) units per acre to be computed on the total number of acres, including any acreage dedicated for open space, recreational and conservation uses.

2. Bedrooms: Each dwelling unit in an ARD shall contain not more than three bedrooms, provided that one of the bedrooms shall be located on the primary living floor. The Commission shall determine which rooms shall be construed to be bedrooms.

3. Dwelling Clusters: Each attached dwelling cluster shall contain not more than four (4) dwelling units. The ARD shall conform to the requirements and standards of the United States Department of Housing and Urban Development for age restricted housing. Each of the dwelling units shall be provided with its own separate entrance directly from the outside and all dwelling units shall be provided with a minimum of one hundred fifty (150) square feet of private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.

4. Open Space: A minimum of thirty (30%) percent of the total ARD acreage shall be set aside as open space for recreation and/or conservation purposes and shall be permanently reserved by one of the following means:

(a) Deeded to the Town, with appropriate restrictions concerning the future use of the land.

(b) Held in corporate ownership by the owners of the dwelling units within the development. Membership in said corporation shall be mandatory for all owners of dwelling units within the development and shall be so stipulated, together with the beneficial right to the use of the common land, by the members of the corporation, in their deed or lease, as the case maybe.

(c) Deeded to the East Hartford Land Trust or a similar organization with approval of Planning and Zoning and the Town Council.

(d) A combination of the above, as approved.

Open space may include any natural areas, landscaped and/or formal planted gardens, important wetland systems or other significant natural areas, active and passive recreation areas and/or other unimproved land areas. Open space shall include all buffer areas and all other areas not covered by buildings, paved parking areas or roadways, or other impervious surfaces.

The location and extent of all open space shall be identified on the Master Plan and designated as major or urban design. Subsequent changes in use of open space from that designated on the approved Master Plan may be permitted by the Commission by Special Permit. Urban Design open space shall include traffic islands, median strips, lawns and yards clearly associated with specific buildings, planted berms within parking lots and other improved areas of less than one-half (.5) acre. All other open space shall be considered major open space.

5. Community Association: All approved Age Restricted Residential Developments shall be required to establish and maintain a community association and such association shall certify annually to the Zoning Enforcement Officer that the Age Restricted Residential Development is in compliance with the age restricted requirements of this section. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development.

6. Accessory Uses: The accessory permitted uses shall be:

   (a) Recreational facilities such as tennis courts, swimming pools and club-houses to be used solely by residents of the ARD and their guests.

   (b) Security and maintenance facilities such as gate houses and garden sheds to be used solely by the residents of the ARD and their employees.

7. ARD District Standards: The following standards shall apply to the ARD:

   (a) Minimum ARD Size: ten (10) acres.

   (b) Yard requirements:

      (1) Front Yard: No residential structure or accessory building shall be located less than fifty (50) feet from a front lot line of the ARD.

      (2) Side and Rear Yards:

         (i) No single family attached residential structure shall be located less than forty five (45) feet from any side or rear lot line of the ARD;

         (ii) No single family detached residential structure or accessory structure shall be located less than forty (40) feet from any side or rear lot line of the ARD.

      (3) If the subject parcel is adjacent to any municipal owned facility or dedicated open space, the Planning and Zoning Commission may, for good cause shown, reduce the yard and buffer requirements.[213]

   (c) Standards within the ARD: the following shall govern the development:

      (1) Single-Family Detached Structure within ARD:

         (i) Maximum Number of Stories: 2-1/2
         (ii) Maximum Height: 35 feet
         (iii) Minimum Dwelling Unit Habitable Floor Area:
            a. 2BR 1000 square feet
            b. 3BR 1250 square feet

      (2) Single-Family Attached Structure within ARD:

         (i) Maximum Number of Stories: 2-1/2

[213] *Amendment to Article VI, Section 603 Design Development District Effective Date: January 27, 2006*

(ii) Maximum Height: *35* feet

(iii) Minimum Dwelling Unit Habitable Floor Area:

a. 2BR 950 square feet

b. 3BR 1150 square feet

(d) Maximum Impervious Surface Coverage: Maximum impervious surface coverage shall not exceed forty (40%) percent of the total ARD lot area.

8. Parking: Off-street parking (including garages and outside spaces) shall be provided in accordance with the following schedule:

(a) 2.0 parking spaces per dwelling unit of which at least one space shall be part of the principal structure.

Parking Setbacks: No parking spaces shall be located within the front yard setback and no exterior parking spaces shall be less than fifty (50) feet from any side or rear lot line of the ARD.

9. Streets: All streets shall be private and designated so as to discourage through traffic. Such streets shall at least twenty-five (25) feet of any dwelling. Streets shall be designed using best management practices and curbs may be eliminated if storm run-off can be accommodated by landscaped swales or other methods to the satisfaction of the Town Engineer and the Commission.

10. Building Locations:

(a) Principal buildings shall be separated at least: 30 feet, or the height of the building, whichever is greater, from another principal building where either wall has window or door openings; 15 feet, or half the height of the building, whichever is greater, from another principal building where neither wall has openings; 10 feet, or the height of the accessory building, whichever is greater, from an accessory building; and 25 feet from the edge of pavement of any main road.

(b) Accessory buildings shall be located at least 25 feet from the edge of pavement of any main road; and 10 feet from the edge of pavement of any cul-de-sac, parking area, or other accessory building.

11. Utilities: All utility wiring, including but not limited to electric, telephone and cable television services, shall be installed underground. An ARD shall be served by adequate public water supply, public sanitary sewage disposal system and storm sewers. Provision for private trash removal shall be made.

12. Landscaping: The ARD shall be suitably landscaped. A Landscaping Plan prepared by a Connecticut licensed design professional shall be included as part of the Site Plan. Landscaping shall be continuously maintained in conformance with the approved Plan. The Applicant shall submit a report documenting a maintenance program for all proposed elements of landscaping within common space or District Setback Areas.

13. Recreation Areas: Portions of open space preserves improved for active recreational purposes including tennis courts, pools or paved trails shall not exceed seven and one-half (7-1/2%) percent of the total ARD lot area.

14. Sale and Resale Restrictions: In order to establish and preserve an ARD, the following restrictions shall apply:

(a) ARD units for sale shall be restricted by deed to require that in the event of any sale or resale, at least one of the owner-occupants shall be 55 years of age or older. At the time of application for an ARD, the applicant shall provide proposed deed restrictions that implement this provision.

15. Declaration of Covenants: The applicant shall provide its proposed declaration of covenants at the time of application. The declaration shall contain clear language that maintenance responsibility including but not limited to all infrastructure, trash removal, snow plowing, leaf pickup within the ARD shall rest with owners of the dwelling units within the development.

603.6 Application Procedure – DDDI and DDDII

A request for the establishment of a Design Development District zone with respect to a parcel shall be by way of an application for a change in zone and approval of a Master Plan, only after a public hearing has been held in accordance with provisions of the Connecticut General Statutes. Application for such zone change shall be made upon a form provided by the Planning and Zoning Commission and filed with the Department of Development at least thirty-four (34) days prior to the regularly scheduled meeting of the Planning and Zoning Commission. An application for a Zone Change to Design Development shall be exempt from the requirements of Section 713 but shall comply with the requirements of this section. Twenty (20) copies of the application shall be filed and shall contain the following information:

a. The current zone designation and the proposed zone designation;

b. Size of subject parcel;

c. Description of existing and proposed use of land and *building*s in zone change area;

d. Statement regarding how the proposed zone change will be of benefit to the Town of East Hartford;

e. Name, address and telephone number of petitioner(s);

f. Name, address and telephone number of *owner*(s);

g. Signature of *owner*(s); .If in multiple ownership, the *owner*s and applicants (if different from the *owner*s) shall submit, as part of the application, an agreement binding them to act as one (1) *person* in developing the property;

h. Signature of petitioner(s);

i. If the parcel contains one hundred (100) acres or less, name and addresses of all property owners located within a distance of five hundred (500) feet of the boundary of the proposed zone change according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating property lines within a five hundred (500) foot radius around the subject site. For parcels greater than one hundred (100) acres, the provisions of this section shall not apply unless ordered by the Commission, which order shall specify a date certain for compliance.

j. The Master Plan shall include the following:

1. Name of the project, date, true north arrow, and scale, which scale shall be 1"=200' for parcels containing more than one hundred (100) acres, or such other scale as may specified by the Commission. As part of its review, the Commission may specify mapping of a portion of the parcel or the Master Plan or of the entire parcel of such detail and scale as the Commission deems adequate to address specified impacts or concerns identified by the Commission.

2. The current zone designation and the proposed zone designation;

3. The boundary line of the parcel which is the subject of the proposed zone change with accurate linear and angular dimension drawn to scale;

4. Existing and proposed contours with a vertical interval of two (2) feet referred to sea-level datum;

5. The locations of existing buildings and other structures, open space, watercourses, bridges, culverts, storm drainage, utility lines, parking areas, walkways, traffic and pedestrian circulation, fencing, landscaping and utility easements on the land to be developed and on land to be developed and for parcels one hundred (100) acres or less, on land within fifty (50) feet of such proposed development. For parcels greater than one hundred (100) acres the Commission may accept aerial photography from including but not limited to existing sources, labeled by the applicant to identify existing features of the surrounding area, produced in accordance with the Digital Orthophoto Standards of the National Mapping Standards, in lieu of this requirement.

6. The location of all designated regulated areas including wetlands and Flood Hazard Zones;

7. All plans shall be certified and signed as per Connecticut General Statutes. Certification shall include both impression, ink seal and live signature of licensed design professional(s);

8. Proposed land use plan which shall include:
   (a) Site access plan including proposed principal roads;
   (b) Long term utility plan;
   (c) A plan of the parcel indicating proposed general use categories. Such plan shall divide the parcel into one (1) or more Development Areas and provide the following:
      (1) A list of general use categories proposed for each Development Area;
      (2) Proposed aggregate square footage of buildings to be constructed therein; and
      (3) Proposed lot sizes if the project involves subdivision.
   (d) An overall design concept to be carried out within the District. Such concept need not be identical for all of Development Areas, but should incorporate common elements to encourage compatibility within and between Development areas;
   (e) Location and areas of all proposed open space in excess of one-half (0.5) acre; and

   (f) A Phasing Plan for the construction of all proposed roads and utilities and which identifies phases of development for each designated Development Area and describes how such development will be coordinated with completion of infrastructure; and

   (g) A master parking plan shall be submitted by the applicant in compliance with the requirements set forth in Section 209 or as approved pursuant to Section 603.4.4.a of these Zoning Regulations.

9. The applicant shall also present a narrative detailed description of the project;

10. Submission of inaccurate or incomplete material or information shall be grounds for denial of the application;

11. The applicant shall submit additional information or material if required by the Planning and Zoning Commission; and

12. One (1) additional copy of the application and required maps must be filed by the applicant in the Town Clerk's Office on or before the close-out date.

k. The Planning and Zoning Commission shall forward copies of the proposal to the following Town Departments for their comments. Failure of the Economic Development Commission, Inland Wetlands Agent, or other Town Agency or Staff to report within thirty-five (35) days after the date of submission of the proposal to it for a report shall be taken as a report of no objection to the proposal:

   1. A report from the Inland Wetlands Agent on the proposed development and impacts on existing wetlands/ buffer areas.

   2. A report from the Economic Development Commission on the economic benefits to the community.

3. A report from the Town Engineer in reference to adequacy of drainage, public *street* design, and the engineering validity, as the design relates to the roads and utilities of the Town,

4. A report from the Fire Chief on fire fighting feasibility of the proposed development.

5. A report from the Police Chief as it relates to security related issues.

6. A report from the Local Traffic Authority on traffic impact to the community.

7. A report from the Director of Parks and Recreation on the proposed uses for the proposed open space areas.

8. Health Department report.

9. Corporation Counsel legal review of proposed deed and declaration of covenants.

603.7 Public Notice

No Design Development District Zone shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing.

The applicant shall display a *sign* or *sign*s which indicate that an application for a change of zoning district has been filed for the area on which the *sign* or *sign*s have been posted. Said *sign* or *sign*s shall be erected and maintained by the applicant wherever the parcel abuts each public or private *street* from the day that the notice of public hearing has been posted until the first secular day following the public hearing. The requirements of this section shall not apply to the Planning and Zoning Commission of the Town of East Hartford.

All requests for withdrawal without prejudice shall be made by the applicant at least one (1) calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

No petition for change of zone after public hearing has been rejected by the Planning and Zoning Commission or withdrawn by the petition shall be heard sooner than one (1) year from the date of rejection or withdrawal; or upon the consent of the Planning and Zoning Commission, a petition may be withdrawn without prejudice and be heard within the one (1) year period.

If the Planning and Zoning Commission, in its findings after a public hearing, determines that a petition is valid but requires further information or study it may request the petitioner to withdraw the petition without prejudice and be heard within the one (1) year period.

603.8 Changes in the Approved Master Plan

Changes in the approved Master Plan may be permitted upon approval of the Planning and Zoning Commission. If the Commission determines that proposed changes constitute a major change it may require a public hearing. However, a change shall be deemed a major change when any of the following occur:

a. Change in general use category to any general use category not included within the approved Master Plan. This shall include changes in a general use category within any Development Area to a general use category not specifically approved for that Development Area.

b. Increase in excess of the following percentage limits in the aggregate square footage of the proposed *building*s for the Development Area:

1. If the originally approved square footage was five hundred thousand (500,000) square feet or more, five (5) percent;

2. If such square footage was between three hundred thousand (300,000) square feet and five hundred thousand (500,000) square feet, three (3) percent; and

3. If such square footage was three hundred thousand (300,000) square feet or less, one (1) percent.

c. Revision to boundaries of any Development Area which is deemed significant by the Commission in terms of overall impact of development.

Changes to the Phasing Plan shall not constitute a change requiring a public hearing, but the applicant shall provide the Commission with a narrative description of changes which demonstrates to the Commission's satisfaction that the existing and proposed infrastructure is or will be sufficient to support the revised Phasing Plan.

603.9 Master Plan Filing Requirements

The applicant shall submit to the Town Planning and Zoning Commission through the Town Planner within ninety (90) days of the approved Design Development District designation two (2) paper prints and one (1) digital copy pursuant to Section 705.2.b.1(e).[214]

603.10 Site Plan Approval Required

No *building* shall be constructed and no land shall be used prior to approval of a site plan which shall be consistent with the approved Master Plan and shall comply with Section 702 of these regulations and, without duplication, the following:

a. Architectural renderings and perspectives of all proposed *structure*s and their interaction with existing on site *structure*s;

b. Proposed use categories of all proposed *building*s. When multiple uses are proposed, percentages of floor area for each use shall be shown

c. Concept *building* plans, including schematic floor plans and exterior elevations;

d. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut;

e. Report on the proposed development's security plan;

f. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public *street*s and common drives;

g. Location of proposed off-*street* parking areas with dimensions, including location, size and number of *parking space*s, access routes, parking barriers and walkways;

h. No *building* or *premises* shall be used or designed to be used for the sale of alcoholic liquors at retail for consumption either on or off the *premises* if the portion of such *building* or *premises* in which such use is conducted is situated within five hundred (500) feet in a radius from any part of any *building* or *premises*

[214] *Article VI, Section 603.9 Master Plan Filing Requirements. Effective March 30, 2016*

used as a public school, a duly authorized school other than a public school, a house of worship or a municipal fire station or town hall;

i. The sale of alcoholic liquors for consumption on the premises shall be permitted only as a use subordinate and incidental to a restaurant use, the principal purpose of which is the preparation and sale of food to patrons primarily seated at tables and the dining area of which shall have a floor area of at least 2,000 square fee exclusive of cocktail lounge and entertainment area.

The Commission may modify the parking requirements within a designated Development Area as follows:

1. The total number of parking spaces required may be reduced to not less than seventy-five (75) percent of the number required pursuant to Section 209 for the individual uses proposed for the site upon demonstration by the applicant that the proposed uses have complementary parking characteristics. Any request for reduction in parking shall be accompanied by a parking study prepared by a parking engineer.

2. For uses which involve long term parking where parking is provided within a parking garage, the commission may permit compact spaces for not more than twenty (20) percent of the required spaces as calculated by subsection 1 above. Compact spaces shall be clearly marked and shall be a minimum size of eight and one-half by sixteen (8.5x16) feet each. The Commission may also permit tandem spaces. Tandem spaces shall measure nine by thirty-six (9x36) feet each.

3. For multiple-phased projects, within a Development Area the Commission may require the applicant to prepare a revised parking plan for any subsequent phase after the first phase if experience demonstrates that parking provided is not adequate. Such revised plan shall be submitted prior to approval of any site plan for a new phase and, shall provide parking adequate to meet the requirements of all phases as would have been required pursuant to Section 209 or as approved pursuant to Section 603.6.j.8.g.

j. Proposed pedestrian walks, malls, and other paths, public and private;

k. Priority schedule of construction of the *building*'s *landscaping*, infrastructure and other elements of the plan;

l. The name and address of applicant's landscape architect, land planner, surveyor, professional engineer and architect; and

m. A plan indicating the relationship of the proposed site plan to the approved Master Plan.

n. The Design Development District area shall be delineated and identified and the acreage calculated.

o. The area of the Design Development District covered by impervious material shall be delineated and identified, including calculation of coverage percentages.

p. A proposed utility service concept plan including electric, telephone, television, sanitary sewage disposal system, storm drainage, potable water supply, and water supplies for fire protection, including an engineering report regarding disposal of storm water drainage. The Connecticut licensed engineer designing sanitary, storm and water systems shall certify “best management practices” were used in designing the systems.

q. Landscaping (including the number, sizes and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain not to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible.

603.11 Subdivision Approval

Where required, the applicant shall comply with the provisions of the Town of East Hartford Subdivision Regulations. To the extent practicable, the processing of any application for subdivision approval shall be coordinated with the processing of an application under these Design Development District regulations. Where these regulations provide development controls substantially the same as those provided by the Subdivision Regulations, the Commission may waive any duplicative or unnecessary provisions of the Subdivision Regulations under Section 9.1 as follows:

The Town Planning and Zoning Commission may waive, by a three-quarters vote and subject to appropriate conditions, such requirements of the foregoing regulations which, in its judgment, are not requisite to the interests of the public health, safety and general welfare, and where conditions exist which affect the subject land and are not generally applicable to other land in the area. When making its determination as to appropriate conditions and/or waiver of any requirement of any regulation, the Commission shall first consider the regulation sought to be waived and make findings as to the following, where applicable: the location of the subject land; the necessity of requiring the particular regulation, considering the topography of the land, possible future development of the area, the nature of the development as regards its proximity to residential areas, and the objective which the regulation seeks to achieve. In the case of a request to waive sidewalk requirements, the Commission shall consider, among others, each of the following factors: proposed *dwelling unit* density, where applicable; distances from schools, shopping areas and the necessity for sidewalks to any such location; proximity of existing sidewalks; safety, including site lines, traffic speed and topography; and any other condition which the Commission deems relevant. The Commission shall consider each request for a waiver with regard to the particular conditions affecting the subdivision in question, and prior determinations as to requested waivers shall not be construed as precedent for any other.

Any request for a waiver of any requirement of these regulations shall be identified on the Preliminary Layout Application, Form F-1. Failure to request same may be grounds for denial.

Section 603.12

Upon the request of an applicant, if a Master Plan is anticipated to be developed in stages over a period of longer than five (5) years and the Commission finds that each stage, together with its required public improvements and utilities, shall be capable of complete and self-sufficient existence without the completion of the next or final stages, then notwithstanding any provision in the East Hartford Zoning Regulations to the contrary, the Commission may allow the applicant to provide the Town with a performance bond covering the cost of required improvements and utilities contained within each stage, on a stage-by-stage basis prior to the issuance of a building permit for any building or structure within each stage. Said bond shall be in a sum satisfactory to the Commission, and shall be conditioned on the completion of said required public improvements and utilities for each stage.

Section 604 Incentive Development Zone

604.1 Preface

The Incentive Development Zone is intended to encourage substantial reinvestment in selected commercial areas of the Town that are primarily built-out. Upon completion and approval of the application project, the proposed zone will be placed on the ground at the request of the affected land*owner*(s) or Developer. The proposed incentive zone technique, rather than conventional rigid zoning, will result in more flexibility in planning combinations of land uses within these areas and thereby induce substantial reinvestments in these areas.

The proposed Incentive Development Zone is a zone which is not mapped on the Town's Zoning Map when adopted. Areas eligible for the zone are indicated as commercial nodes in the Plan of Development. On a future date, the proposed zone will be placed on the ground at the request of affected landowner(s) or Developer.

604.2 Purpose

The purpose of this section is to establish a special flexible use zone for targeted locations for substantial property improvement. This regulation is intended to provide increased flexibility of land development while requiring greater administrative standards and procedures, promote the consolidation of small lots into a commercially viable sized lot and requiring a large quantity of financial investment. Also this section encourages creative design proposals seeking the highest and best use of the land; provides development flexibility allowing the incentive zone to be responsive to market trends; assists the Town to promote optimum economic returns on commercial property; conserves the value and promotes the viability of designated commercial nodes and provides for the general welfare of the Town.

604.3 Qualifying Conditions

No project application shall be considered for an Incentive Development Zone unless it meets the following qualifying conditions:

(1) The project shall be located entirely within:

a) one of the commercial nodes identified on the Generalized Land Use Plan contained in the May 2003 Plan of Conservation and Development; or,
b) a duly designated redevelopment area of a redevelopment plan as defined by Connecticut General Statutes 8-125, as amended. Notwithstanding the foregoing, the Central Business District is not eligible for the Incentive Development Zone.[215]

(2) The project may consist of a single lot or a number of contiguous lots under one ownership or control of the applicant, and shall have a total combined lot area of not less than ten thousand (10,000) square.

(3) The project shall have a minimum of seventy-five (75) feet of frontage on a State Highway and/or a Town designated arterial or collector roadway and shall have primary ingress and egress onto said roadway.

(4) The project being proposed shall establish to the satisfaction of the Commission that new investment is substantial. As a minimum, in existing structure(s), new investment shall exceed fifty (50%) percent of the market value of the structure. In the instance of vacant land, new investment in the completed project including land shall be four times the market value of the undeveloped lot or lots as determined by the Assessor's records of the Town of East Hartford. Market value after

[215] *Amendment to Article VI, Section 604.3(1) Incentive Development District. Effective Date August 1, 2007.*

improvement shall be as established by an appraiser registered in the State of Connecticut and to the satisfaction of the Commission.

604.4 Permitted Uses, Accessory Uses, Special Permit Uses, Lot Sizes and Areas, Parking and Signage

The permitted uses, accessory uses, special permit uses, lot sizes and areas, parking and signage requirements within the Incentive Development Zone shall be as defined in the B-1 zone. However, as indicated in the following section, all uses in the Incentive development Zone will be treated as special permitted uses.

604.5 Concurrent Zone Change, Special Permit and Site Plan Review Procedure

An Incentive Development Zone may only be established through the approval and issuance of a zone change as described on Section 713, a special permit as described in Section 207 and a site plan review as described in Section 705 of these Regulations, which shall be heard concurrently. The provisions of Section 207.4.g. shall not be applicable to this section.

604.6 Modification of Regulations

The Planning and Zoning Commission may modify any of the requirements of this section if it finds, after public hearing, that the proposed use or the proposed extension or alteration of an existing use is in accord with the public interest, convenience, and welfare.

604.7 Consolidation of Lots

In the instance where a project consists of two or more lots for a unitary project and upon issuance of a zone change, special permit and site plan approval by the Commission and before a building permit can be issued, such lots shall be combined into one lot and recorded in the Land Records of the Town.

604.8 Certificate of Zoning Compliance

No property or building within a designated Incentive Development Zone shall be occupied or used in whole or part for any purpose, until a Certificate of Zoning Compliance shall have been issued by the Zoning Enforcement Officer (ZEO), stating that the premises or building complies with all the provisions of these regulations. Such a certificate is also required for any change, extension or alteration in a use. No such Certificate of Zoning Compliance shall be issued by the ZEO until all zoning requirements and conditions included in the Site Plan Approval and/or Special Permit(s) have been met and required filings of approvals completed. No certificate of occupancy may be issued until all zoning permits have been secured.

No permits for extension of a use shall be issued until a revision of the Special Use Permit has been approved by the Commission.

ARTICLE VII: ADMINISTRATION AND ENFORCEMENT

Section 700 Interpretation

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of *building*s or land or on the height of *building*s or require larger *yard*s, courts or other open spaces or a greater percentage of *lot*s to be unbuilt upon, or impose other higher standards than are imposed by the provision of any law, ordinance, regulation or private agreement, these regulations shall apply. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than required by these regulations, such greater restrictions shall not be affected by these regulations.

Any use not specifically permitted within these regulations according to a zoning district is expressly prohibited.

Section 701 Enforcement

All applications for zoning permits shall be accompanied by four (4) copies of a plan drawn to scale showing the actual dimensions of the *lot* to be built upon, the location of present and proposed *building*s on the *lot*, the dimensions of all open spaces, the established *building line*s within the block and such other information as may be necessary to provide for the enforcement of these regulations.
Except as may be provided otherwise herein, these regulations shall be enforced by the Zoning Enforcement Officer, who is empowered to cause any *building structure*, plant or *premises* to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations.
Anyone violating any provisions of these regulations shall be subject to punishment and fine in accordance with the zoning laws of the State of Connecticut.
Any official charged with the enforcement of these regulations, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, maintenance, or use of a *building* or to restrain, correct, or abate such violation, or to prevent the occupation of *building*s or land or to prevent any illegal acts, conduct, business, or use in and about such *premises*.
The Commission holds the right to have the Zoning Enforcement Officer or the Town Engineer (in the case of Section 217 and 218) appear before the Commission to discuss violation of these regulations.

Section 702 Development Review and Approval[216]

702.1 Purpose

To ensure that future development in the Town of East Hartford is in accord with the Plan of Development, does not adversely affect existing developed areas and residential neighborhoods in the community, does not create significant traffic congestion or environmental degradation, preserves and enhances the character of the downtown area and provides overall beneficial impacts to the Town, the following development review procedures are required.

702.2 Site plan review

The Planning and Zoning Commission, in accordance with Connecticut General Statutes, shall require site plan review approval for all *new construction* of *multiple-family dwelling*s and nonresidential *structure*s. Site plan review approval shall also be required for all substantial structural alterations made to any existing *multiple-family dwellings* and nonresidential *structures*. A substantial structural alteration is defined as exterior

[216] *Amendment to Article VII, to Include Section 707, Environmental and Transportation Review Standards. Effective Date August 31, 2001*

alterations or *modification*s requiring a building permit with the exception that roofing or siding shall not be construed as a substantial structural alteration. Ordinary maintenance and construction modifications to a previously approved site plan shall be reviewed by the Site Plan Review Committee for a determination of whether or not formal site plan approval will be required. Emergency repairs shall be reviewed by the Zoning Enforcement Officer to determine whether compliance with this section is required. If dissatisfied with the final determination of the Site Plan Review Committee the applicant may appeal the decision to the Town Planning and Zoning Commission for a re-determination.

The site Plan Review Committee will review all site plans requiring Planning and Zoning Commission approval prior to the Commission's review, and will make advisory recommendations concerning such to the Commission. The Planning and Zoning Commission has the final authority to deny or approve all site plan applications.[217]

Site plan drawings shall be prepared incorporating standards contained within the East Hartford Design Manual and the Engineering Review Standards as applicable to the requirements in Section 705.2b.

702.3 Design review

Special Design Review is required of all projects requiring site plan approval in the area noted as downtown in the Town of East Hartford's Plan of Development. Additional materials relating to *building* appearance and the like shall be required in this area.

702.4 Environmental and transportation review[218]

Because of potential severe consequences, large-scale development projects are required to reveal and analyze the potential environmental and transportation impacts they might have on the Town of East Hartford. Moreover, East Hartford single family residential districts are substantially developed. Residential subdivisions in these districts must be sensitive to the neighborhood context in order to harmonize with the built environment and to minimize negative impacts. Developments that cross over the thresholds must in addition to complying with the standards for regular site plan review, prepare this additional environmental assessment.

Thresholds are greater than on hundred (100) dwelling units or more, buildings containing more than one hundred thousand (100,000) square feet gross building area, subdivisions greater than ten lots or a use generating more than one hundred fifty (150) vehicle trips in peak hours. Any development which meets the criteria of any one of these thresholds must comply with the requirements of Section 707.

The Commission shall have the authority to waive the requirements of all or a portion of Section 707 if the applicant can demonstrate to the Commission's satisfaction that the factor to be analyzed is not relevant to its proposed application.

702.5 Site Plan Review Committee

A development review committee is established that shall consist of the Town Planner, the Town Engineer, the Town Building Official, and two members of the general public to be appointed by the Planning and Zoning Commission for a specified term not to exceed two (2) years. One of the citizen members should, if possible, be a member of a design profession.

The Site Plan Review Committee will review all site plans and supplementary design studies and environmental and transportation studies requiring Planning and Zoning Commission approval prior to the Commission's review and will make advisory recommendations concerning such to the Commission. The Planning and Zoning Commission has the final authority to deny or approve all site plan applications.

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[217] *Amendment to Article VII, Section 702.2 Site Plan Review, Effective date March 2, 2012*

[218] *Amendment to Article VII, Section 702.4, Environmental and transportation review: addition to Permitted Uses. Effective August 31, 2001*

Section 703 Criteria for Evaluation Site-Plans

The criteria on which the Planning and Zoning Commission shall base its evaluation for site plan approval shall be the following:

a. The impact on the market value of existing *structure*s in the adjoining area;

b. The effect on the health, safety, and general welfare of the community;

c. The impact on the historic significance of the site and the affected *structure;*

d. The compatibility with the Plan of Development of the Town of East Hartford;

e. When the proposed use involves the conversion of a *structure* built for residential use, the adaptability of the *structure* to a business use and the effect on the existing *setback;*

f. The compatibility of a proposed architectural design with the architectural designs of existing adjacent *building*s and the architectural character of the neighborhood as a whole; and

g. The compatibility of the landscape and layout of *structure*s on the parcel with the *landscaping* and layout of adjacent parcels in accordance with the East Hartford Design Manual.

Section 704 Standards of Development

The following standards constitute a guide to developers and the Planning and Zoning Commission when making decisions concerning development.

704.1 The Site

a. Location of *structure*s on the parcel should be compatible with that of adjacent parcels.

b. Landscape treatment should be provided to enhance architectural features, strengthen vistas and important axes, and provide shade and other means of public comfort.

c. The site should be planned to accomplish a desirable transition with the streetscape and to provide adequate planting, safe pedestrian movement, and parking areas.

d. Screening of service *yard*s, refuse storage areas, and other places that tend to be unsightly should be accomplished by use of walls, fencing, plantings, or a combination of these and should be equally effective in winter and summer.

e. In areas where general planting will not prosper, other materials such as fencing, walls, paving of wood, brick, stone, gravel, and cobbles should be used to enhance the site and to make transition areas attractive.

e. Exterior lighting should enhance the architectural and landscape design, and the lighting fixtures should be compatible with the design of the *building*.

704.2 The *Building*

a. Relationship of width to height of new structures should be consistent with the ratio of existing adjacent *building*s.

b. Architectural styles of *building*s should be compatible with the use and with existing adjacent *building*s.

c. Style and color of *building* materials should have good architectural character and should be in harmony with the architectural design of the *building* and with existing adjacent *building*s.

d. Mechanical equipment or other utility hardware of the roof, ground, or *building* should be screened from public view with materials harmonious with the *building*, or they should not be visible from any public way.

e. Colors, materials, location, lighting, and design of *sign*s should be an architectural element of the *building*.

Section 705 Site Plan Application Procedure and Requirements[219]

705.1 The Site Plan Application form must be completed and submitted to the Department of Development at least fifteen (15) days prior to the regularly scheduled meeting of the Planning and Zoning Commission.

705.2 Accompanying the application shall be:

a. A check made payable to the Town of East Hartford, in the amount determined by the Town of East Hartford.

b. Twelve (12) copies of an accurate site plan and one (1) digital copy of the application, plans and associated application materials. Site plans shall be clearly drawn by a licensed land surveyor or civil engineer or architect to a scale of not smaller than one (1) inch to forty (40) feet on a sheet of paper 24" x 36" or 18"x 24" and should include the information listed below. The following application requirements apply to submissions from any applicant, however, the Commission or the Town Planner may waive particular requirements as being inapplicable or unnecessary to render a determination on the type of approval required.

1. General Requirements

(a) The Site Plan shall be based upon a survey map prepared in accordance with Class A-2 survey standards pursuant to the Regulations of Connecticut State Agencies Section 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996. The survey map shall be certified, signed and sealed by a licensed land surveyor, architect, or civil engineer.

(b) The Site Plan shall be drawn on sheets which are 24" by 36" or 18" by 24" in size. Depending upon the size of the development and the scale of the plan, the lot may be shown on more than one sheet, using "match lines" as necessary. An inset map drawn at a larger scale should be provided to show details of particularly sensitive areas on the Site Plan.

(c) For ease of readability, related elements of the Site Plan may be shown on separate plan sheets in a plan set (e.g., drainage and grading plan, soil erosion and sedimentation control plan, landscaping plan, utilities plan, photometric plan, etc.).

(d) A soil erosion and sedimentation control plan may be required pursuant to Section 217 (cumulative disturbed area greater than one-half acre) and shall be provided as plan sheets in a plan set.

(e) All digital data, including a copy of the plans and application materials, shall be submitted on a USB (Universal Serial Bus) flash drive in the form of a PDF (Portable Document Format). The

[219] *Amendment to Article VII, Section 705 Site Plan Application Procedure and Requirements, Effective Date: March 30, 2016*

digital plan set shall be identical to the print set in contents and form, meaning it shall be one file and shall not be separated out into distinct disciplines. All digital plans shall be accompanied by a completed Digital Data Affidavit form. In lieu of the Digital Data Affidavit form, a digital signature may be placed on the electronic plan set pursuant to Section 20-300-10 of the Regulations of Connecticut State Agencies.

2. Plan Information

   (a) A cover sheet with a title block showing the name of the development or plan, address, map and lot, application type, name of the property owner, and the name of the applicant. The cover sheet shall contain a table of contents or list of plans sheets included in the plan set.

   (b) North arrow and scale on each map or plan sheet.

   (c) Date of original plan; date and nature of each subsequent revision.

   (d) Small key map showing the location of the lot relative to surrounding properties and streets.

3. Lot Information

   (a) Assessor's map and lot numbers of the lot, street address and the property lines of the lot.

   (b) A zoning table showing the zoning district of the parcel and the required/proposed: lot size and area, frontage, coverage and impervious coverage; floor area, front, side and rear yard setbacks for existing and proposed buildings; parking and loading spaces; landscaping and buffer strips.

   (c) Dimension, location and type of any existing and proposed easements or rights-of-way on or adjacent to the lot.

4. Natural Features

   (a) Location and extent of existing wetlands, watercourses, floodplains, and flood hazard zones on the lot.

   (b) Existing and proposed contours at intervals of not more than two feet on that portion of the lot being developed and within 50 feet thereof, and at intervals of not more than 5 feet on the rest of the lot.

5. Buildings and Structures

   (a) Location, configuration and use of each existing and proposed structure and building on the lot: dimensions, height and type of proposed use(s) (e.g., "retail store", "warehouse", "medical office", "restaurant"); gross floor area (in square feet) and amount of gross floor area per story, if more than one story; location of building entrances and exits.

   (b) The shortest distance between adjoining buildings on the lot.

   (c) The overall architectural design of the proposed building or *structure*(s) including the elevation (four (4) feet per inch) of the facade and all other exterior elevations abutting a public way, showing all fenestration, *sign*s and other architectural features including the color and style of *building* materials (and samples if available) and any architectural peculiarities. These drawings should be in a scale suitable to show architectural styles in sufficient detail.

   (d) An elevation drawing showing the height and architectural style (in less detail than Section 705.2.b.5(c)) of the proposed building or structure and adjacent buildings.

6. Parking, Driveways and Streets

   (a) Parking layout: existing and proposed driveways and access aisles, parking spaces, curbing, wheel stops, dumpster pads and loading and unloading areas; dimensions, paving materials, spot grades, and any internal traffic flow signs and markings.

   (b) Parking calculation showing how the number of required parking spaces was determined.

   (c) Driveway(s): location and width of existing and proposed driveway openings; distance between each driveway opening and the nearest street intersection.

7. Infrastructure

   (a) Location and size of existing and proposed gas, water, sanitary sewer lines, storage tanks (above or underground), gasoline pumps and storm drainage pipes.

   (b) Location, invert elevation, and top-of-frame elevation of existing and proposed storm drainage manholes, catch basins, yard drains and drywells.

   (c) Location of any existing and proposed fire hydrants and utility structures (e.g., electric and telephone poles).

8. Landscape Features

   (a) Location, size, species, and quantity of existing and proposed planting and landscaping materials (including trees, shrubs, and ground cover).

   (b) Location and width of any required landscaped buffers.

   (c) Location, width and paving material of existing and proposed sidewalks.

   (d) Location of dumpster(s) and any outside storage areas.

   (e) Location, size and materials of any existing and proposed fences, gates, and retaining walls; provide construction details of any proposed retaining walls.

   (f) Location, height, fixture design and intensity of existing and proposed lighting. A photometric plan showing illumination levels may be required.

9. Miscellaneous

   (a) Date and nature of all other relevant local approvals (e.g., Inland Wetlands Agency, Zoning Board of Appeals).

c. The applicant shall submit to the Town Planning and Zoning Commission through the Town Planner four (4) prints and one (1) digital copy of the plans, pursuant to Section 705.2.b.1(e), as approved by the Planning and Zoning Commission including any required *modification*. Applicants shall have the Town Engineering Department review the final plans prior to the required filing of this section.

d. Information requested in Section 705.2.b is required for all site plans with the exception of alterations made to the facade or other exterior walls that do not involve an increase in the footprint of the *building*. Alterations to the facade or other exterior walls will require the submission of Sections 705.2.b.5(c) and (d) only.

e. Endorsement of plans: The Town Planning and Zoning Commission shall affix the date of approval of the final plan on said plan with the signature of the Chairman or the designated agent.

705.3 The applicant shall submit additional information or material if requested by the Planning and Zoning Commission or the Site Plan Review Committee.

705.4 Submission of inaccurate or incomplete material shall be grounds for denial.

Section 706 Site-Plan Financial Guarantee Requirements[220]

The Planning and Zoning Commission may modify a proposed site plan as it deems necessary to conform with the requirements of these regulations. Compliance with the Planning and Zoning Commission's *modification*s of the proposed site plan and ***soil-erosion and sedimentation controls*** shall be a condition of approval. Site plan approvals and *modification*s, and ***soil-erosion and sedimentation controls,*** are required to ***post a financial guarantee, as described in Section 706.2 below,*** as follows.

706.1 Purpose

A financial guarantee shall be posted by the site plan developer to effectively insure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and the implementation of any soil-erosion and sedimentation controls required during construction activities for all developments exempt from Section 217. Soil-erosion and sedimentation controls shall apply to all developments including, but not limited to, any construction on improved or unimproved real property located in the Town of East Hartford. For the purpose of this regulation, disturbed area shall mean an area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion. In the event that site plan improvements and soil-erosion and sedimentation controls are not completed or maintained, the Town may install such site modifications and complete such soil-erosion and sedimentation controls at the expense of the developer.

706.2 Financial Guarantee Requirements

- Amount of Financial Guarantee

  The amount of the financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the implementation, maintenance and completion of the proposed site plan, modified site plan and soil-erosion and sedimentation controls, plus a contingency amount not exceeding ten percent (10%) of such total costs. Such amount shall be calculated by the Town Engineer and approved by the Town Planning and Zoning Commission. The Town Planning and Zoning Commission shall approve the Financial Guarantee in two amounts, modifications of the proposed site plan and soil-erosion and sedimentation controls.

- Form of Financial Guarantee

  The Town Planning and Zoning Commission or designated agent may accept a surety bond, and shall accept a letter of credit, cash bond, passbook or statement saving account, and other financial guarantee, provided that such financial guarantees are in a form acceptable to the Town Planning and Zoning Commission and Director of Finance. Determination of acceptability will be made on a case by case basis and will include, where applicable, the financial strength of the financial institution issuing the guarantee and the terms of the instrument evidencing the financial guarantee.

[220] Article VII, Section 706 new amendments to comply with Public Act No. 12-182, Effective April 30, 2015

- Posting/ Releasing Financial Guarantee

  The financial guarantee for all site plans may be posted at the discretion of the applicant at any time before all approved site improvements are complete. The financial guarantee shall be posted, for soil-erosion and sedimentation controls that are scheduled for installation, prior to commencement of any site improvements on the parcel that is subject to the soil-erosion and sedimentation controls. No certificate of occupancy shall be issued before a required financial guarantee is posted or the approved site improvements are completed to the reasonable satisfaction of the Planning and Zoning Commission or its agent. For any site plan that is approved for development in phases, the financial guarantee shall apply as if each phase was approved as a separate site plan.

  The Planning and Zoning Commission shall not require a financial guarantee for the maintenance of roads, streets, retention or detention basins or other improvements approved with a site plan for more than one year after the date on which such improvements have been completed to the reasonable satisfaction of the Town Planning and Zoning Commission or its agent or accepted by the municipality; or require the establishment of a homeowners association or the placement of a deed restriction, easement or similar burden on property for the maintenance of approved public site improvements to be owned, operated or maintained by the municipality, except that this prohibition shall not apply to the placement of a deed restriction, easement or similar burden necessary to grant a municipality access to such approved site improvements.

  All requests to release a financial guarantee shall be submitted on the approved Town of East Hartford Financial Guarantee Release/Reduction Form. Incomplete forms will not be processed. Once the Town of East Hartford Financial Guarantee Release/Reduction Form is submitted, the Town Engineer shall make an inspection and provide the person posting such financial guarantee with a written explanation of any additional site improvements that must be completed before the financial guarantee or portion thereof may be released. If work is complete the Town Engineer shall make a recommendation to the Town Planning and Zoning Commission concerning the release of the financial guarantee. No financial guarantee or any portion thereof shall be released without the approval of the Town Planning and Zoning Commission, which shall determine that no further Town supervision of the soil- erosion and sedimentation controls or its maintenance is required and that all site improvements have been satisfactorily completed. All requests for financial guarantee releases or reductions shall be processed not later than sixty-five days after receiving such request. There may be no more than two (2) bond reductions per calendar year on each approved site plan.

- Inspections and Increase of Financial Guarantee

  The Town Planning and Zoning Commission or its designated agent may make inspections during construction to ensure that the and that site plan modification are completed and soil- erosion and sedimentation controls are implemented, maintained, and completed. If the Town Planning and Zoning Commission should determine that further soil-erosion and sedimentation control measures are required, and the amount of the financial guarantee is therefore insufficient, the Town Planning and Zoning Commission may require an additional financial guarantee to augment the original financial guarantee.

- Use of Financial Guarantee

  If the Town Planning and Zoning Commission determines that unforeseen developments or emergencies require immediate remedial action, or that the soil-erosion and sedimentation control requirements are not being properly and adequately implemented, maintained, completed, and that site plan modification are not completed, the Town Planning and Zoning Commission may, after due notice draw on the financial guarantee. The owner and developer of any parcel subject to a financial guarantee pursuant to this section shall be deemed to have granted permission to the Town Planning and Zoning Commission or its designated agent or any contractor hired by the Town of East Hartford to enter such parcel to address such an emergency or to implement and maintain the soil- erosion and sedimentation control and complete all site plan modifications. The Town of East Hartford shall not be liable for any damage to real or personal

property while undertaking to implement, maintain, and complete the soil- erosion and sedimentation controls and complete all site plan modifications.

706.3 The Town Engineer in his sole discretion is authorized to make minor field adjustments to the approved site plan.

Section 707 Environmental and Transportation Review Standards[221]

For large projects meeting the development thresholds in Section 702.4 above, an environmental and transportation assessment and review shall be required.

707.1 Applicants shall be required to submit the environmental and transportation report in conjunction with their site plan application. The report must include the following.

a. A description of the proposed action including the project purpose, need and benefits, its location, design and layout, construction and operation and required approvals;

b. A description of the environmental setting of the project including geology, water resources, air resources, terrestrial and aquatic ecology including wetlands;

c. A description of the transportation setting including the size, capacity and condition of existing facilities including ingress and egress from the site, existing traffic control, parking facilities, and a description of current levels of service including AM and PM peak hour traffic flow, the sources of the existing traffic and the vehicle mix.

d. A description of the current land use and zoning of the project site, including the future land use as discussed by the Plan of Development;

e. A description of existing community services to serve the site and of the cultural resources that may be affected by the development. Also included should be a brief review of the demography of the community, and;

f. All stone walls, significant ledge outcroppings, landmark or asset trees (exceeding 15 inches in diameter), unique wildlife habitats, environmentally significant or sensitive areas and other significant physical features of the site shall be delineated on an existing conditions map of the parcel. A conservation plan shall make provisions for appropriate protection of these areas or shall provide adequate justification for the proposed impacts on such areas.

707.2 The report shall then analyze the significant environmental effects expected as a result of the construction of the project. Included will be an analysis of the factors discussed in the environmental setting Section 702.4 with particular attention being paid to the traffic impacts of the project.

707.3 The report shall also identify any proposed mitigation measures that will lead to avoiding or reducing the adverse environmental impacts identified in the previous sections of the report. Adverse environmental or transportation impacts that cannot be avoided must also be identified.

707.4 The Planning and Zoning Commission may publish guidelines for the preparation of environmental and transportation reports and may from time to time revise them.

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[221]*Amendment to Article VII, Section 707, Environmental and Transportation Review Standards: addition to Permitted Uses. Effective August 31, 2001*

Section 708 Certification of Building Location and Design

Upon completion of the foundation of all *building*s, a foundation check-plan certifying the location of the foundation as constructed shall be submitted to the Zoning Enforcement Officer prior to the construction of the *building* frame. This plan shall also show spot grades at the corners of the *structure* and the *lot*, the elevations of finished floor(s) and of at-grade openings, and certification that site contours are in substantial conformance with the approved site plan. If any of the grades or elevations are not in conformance with the approved plan, the applicant shall undertake whatever measures are necessary to bring them into conformance. Any change in the *grading* or elevations that might affect drainage shall be approved by the Town Engineer. Plans certifying *building* location, *grading* and elevations shall be stamped by a registered land surveyor. To prevent unnecessary hardship in connection with small alterations and expansions, the Town Engineer and the Zoning Enforcement Officer may, if mutually agreeable, determine that compliance with any or all provisions of this subsection is not required.

Section 709 Certificate of Zoning Compliance for Issuance of a Certificate of Occupancy

No certificate of Zoning Compliance shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases in which seasonal conditions prevent compliance with the provisions of the approval before the *building* is complete, the Zoning Enforcement Officer may authorize issuance of a Certificate of Occupancy on the condition that all provisions of the approval are complied with as the season permits. Noncompliance within the stated time shall make approval null and void unless further extended for good cause.

No change or extension of use and no alteration shall be made in a *nonconforming use* of a *building* or land without a Certificate of Zoning Compliance having first been issued by the Zoning Enforcement Officer and a Certificate of Occupancy issued by the Building Official that such change, extension or alteration is in conformity with the provisions of these regulations.

Section 710 Lapse of Zoning Permit

An application for a zoning permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the Zoning Enforcement Officer may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each. Any zoning permit issued shall become invalid if the authorized work is suspended of abandoned for a period of six (6) months after the time the work was commenced.

Section 711 Amendments

The Planning and Zoning Commission may, on its own motion or upon petition and after public notice and hearing, amend change or repeal the regulations herein established and the Zoning Maps that are a part of these zoning regulations.

Section 712 Application Procedure and Requirements for Text Amendment[222]

712.1 Application for a change brought forth by any *person* not a member of the Planning and Zoning Commission in these regulations shall be made upon a form provided by the Planning and Zoning Commission and filed with the Department of Development at least forty (40) days prior to the regularly scheduled meeting of the Planning and Zoning Commission.

712.2 Twenty (20) copies of the application shall be filed and shall contain the following information:

a. Number and wording of existing section proposed for amendment;

b. Proposed addition or change in wording;

c. Circumstances justifying the proposed amendment;

d. Statement regarding how the proposed amendment will clarify or improve the zoning regulations and/or improve the development of the Town of East Hartford;

e. Statement regarding how the proposed amendment will affect the adopted Plan of Development; and

f. Name, address, telephone number and signature of the petitioner(s).

712.3 Accompanying the application form shall be a check made payable to the Treasurer, Town of East Hartford, in the amount determined by the Town of East Hartford.

712.4 One (1) additional copy of the petition and Zoning Map(s) must be filed by the petitioner in the Town Clerk's office.

712.5 Approved text amendments shall become effective fifteen (15) days from the published notice of the Planning and Zoning Commission's decision unless otherwise prescribed by the Commission.

Section 713 Application Procedure and Requirements for Changing Zoning District Boundary Lines

713.1 Application for a change in zoning district boundary lines shall be made upon a form provided by the Planning and Zoning Commission and filed with the Department of Development at least thirty-four (34) days prior to the regularly scheduled meeting of the Planning and Zoning Commission. If such change in zoning district boundary line is located within five hundred (500) feet of the boundary line of another municipality, such application shall be filed at least forth (40) days prior to the regularly scheduled meeting of the Planning and Zoning Commission.

713.2 Twenty (20) copies of the application shall be filed and shall contain the following information:

a. The current zone designation and the proposed zone designation;

b. Size of subject parcel;

c. Description of existing and proposed use of land and *building*s in zone change area;

d. Statement regarding how the proposed use of land and *building*s in zone change area;

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[222]*Amendment to Article VII, Section 712, Application Procedure and Requirements for Text Amendment. Effective June 2, 2006*

e. Statement regarding how the proposed zone change will be of benefit to the Town of East Hartford;

f. Name, address and telephone number of petitioner(s);

g. Name address and telephone number of *owner*(s);

h. Signature of *owner*(s);

i. Signature of petitioner(s); and

j. Name and addresses of all property *owner*s located within a distance of five hundred (500) feet of the boundary of the proposed zone change according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating the line property lines within a five hundred (500) foot radius around the subject site.

713.3 Accompanying the application form shall be:

a. A check made payable to Treasurer, Town of East Hartford, in the amount determined by the Town of East Hartford;

b. Twenty (20) copies of the appropriate sheets of the zoning maps indicating in color the proposed boundary lines of the area for which the change is applied; and

c. Twenty (20) copies of an accurate site plan, clearly drawn by a registered civil engineer or licensed surveyor to a scale of not smaller than one (1) inch to one hundred (100) feet that shall contain the following information:

1. Date, true north arrow, and scale;

2. The boundary line of the tract with accurate linear and angular dimensions drawn to scale;

3. Existing and proposed contours with vertical interval of two (2) feet referred to sea level datum;

4. The location of existing property lines within five hundred (500) feet of the site in question and streets, buildings, watercourses, bridges, utility lines, culverts, drain pipes and utility easements, both on the subject site and on land within two hundred (200) feet of the site in question; and

5. The location of designated regulated areas including Inland Wetlands and Flood Hazard Zones.

713.4 Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.

713.5 One (1) additional copy of the petition and zoning map(s) must be filed by the petitioner in the Town Clerk's office on or before the close-out date.

Section 714 Public Notice

No amendment to the zoning regulations or zoning maps shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing.

In a petition for change of zoning district, the applicant shall display a sign(s) that indicates that an application for a change of zoning district has been filed for the area on which the sign(s) have been posted.
Said sign(s) shall be erected and maintained by the applicant wherever the parcel abuts each public or private street from the day that the notice of public hearing has been posted until the first secular day following the public hearing. The requirements of this section shall not apply to the Planning and Zoning Commission of the Town of East Hartford.

All requests for withdrawal without prejudice shall be made by the applicant at least one (1) calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

No petition for change of zone or for amendment of the text of the zoning regulations that after public hearing has been rejected by the Planning and Zoning Commission or withdrawn by the petitioner shall be heard sooner than one (1) year from the date of rejection or withdrawal; or upon the consent of the Planning and Zoning Commission, a petition may be withdrawn without prejudice and be heard within the one-year period.

If the Planning and Zoning Commission in its findings after a public hearing determines that a petition is valid but requires further information or study, it may request the petitioner to withdraw the petition without prejudice and be heard within the one (1) year period.

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ARTICLE VIII: ZONING BOARD OF APPEALS

Section 800 Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals that shall operate according to the procedures enumerated below subject to the provisions of the Connecticut General Statutes.

Section 801 Members

In accordance with the provisions of the General Statutes of the State of Connecticut, the Zoning Board of Appeals shall consist of five (5) electors and three (3) alternates who shall not be members of the Planning and Zoning Commission. They shall be appointed for terms of five (5) years, so arranged that the term of not more than one (1) member shall expire in any one (1) year.

Section 802 Officers

The Zoning Board of Appeals shall elect from its membership a chairperson, vice-chairperson and secretary, each to serve for a term of one (1) year and subject to re-election. The chairperson or, in his/her absence, the vice-chairperson shall have power to administer oaths and compel the attendance of witnesses.

Section 803 Rules of Procedure

The Board shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these regulations. These shall include, among other things, regulations relating to notices for public hearings, fees to be charged for all applications filed with the Board, forms to be used in the submission of applications, times when hearings shall be held, procedures for the conduct of public hearings, regulations regarding notices for public hearings and the form of written reports of findings of the Board.

Section 804 Meetings

The Board shall meet at the call of the chairperson and at such other times as the Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. Records of the Board may be examined in the offices of the Board at any reasonable time.

Section 805 Minutes and Findings

The Board shall keep minutes of its proceedings, recording the action of the Board and the vote of each member upon each action or, if absent or failing to vote, indicating such fact. It shall also keep records of its examinations and other official action, all of which shall be filed promptly in the office of the Board and shall be open to public examination. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken, whether it be in favor of the granting of an application or petition or against the granting of such application or petition. Findings shall be complete, detailed, and in specific terms, setting forth the reasons for the decision, and shall go beyond such generalities as "in the interest of public health, safety and the general welfare." In every instance, a statement of the hardship upon which such action is based shall appear in the minutes.

Section 806 Assistance from Other Officials

The Board may call upon any other Town department or agency for assistance in the performance of its duties, and it shall be the duty of such other departments or agencies to render such assistance to the Board as may be reasonably required.

Section 807 Referrals

The staff of the Department of Development and/or Engineering Department may submit an advisory opinion on any matter before the Zoning Board of Appeals at least four (4) days prior to the public hearing assigned for such matter, and such findings of the staff shall be read into the record at such public hearing. The failure of the staff of the Department of Development and/or Engineering Department to submit its report to the Zoning Board of Appeals prior to the public hearing shall not prevent the Zoning Board of Appeals from reaching a decision on any matter before it.

Section 808 Powers of the Board

The Zoning Board of Appeals shall have the following powers:

808.1 Appeals

The Board may hear and decide appeals made by any *person* or *person*s severally or jointly aggrieved by any order, requirement, or decision of an administrative official in the enforcement of these regulations. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement or decision as in its opinion ought to be made in the *premises*, and shall have the powers of the officer from whose order, requirement, or decision as in its opinion ought to be made in the *premises*, and shall have the powers of the officer from whose order, requirement, or decision the appeal was taken, provided the affirmative vote or four (4) members shall be necessary to reverse or modify the order, requirement or decision appealed from.

808.2 *Variance*s

The Board may grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness, shape or substandard size of specific parcels of property, the strict application of these regulations or amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property, provided that such relief or variance can be granted without substantial impairment of the intent, purpose, and integrity of these regulations and of the Plan of Development for the Town of East Hartford. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist:

a. That if the *owner* complied with the provisions of these regulations, he/she would not be able to make any reasonable use of the property;

b. That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same district;

c. That the hardship was not the result of the applicant's own action; and

d. That the hardship is not merely financial or pecuniary.

808.3 The Board has all other additional powers as granted pursuant to Connecticut General State Statutes.

Section 809 Applications

Every application for a variance or for an interpretation of a ruling of the Zoning Official shall be made on a form approved by the Board of Appeals and shall list the reasons for the application. Said application shall be filed with the Zoning Board of Appeals and shall also include the signature of the property owner and a statement by the applicant of the reasons for the application.

Section 810 Hearings

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. At such hearing, any party may appear in person and may be represented by agent or attorney. Upon filing an application to overrule the action of the Zoning Official or the filing of an application for a variance upon forms to be provided by the Zoning Board of Appeals, a date shall be set for a public hearing, and due notice therefore shall be given to the parties. Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town of East Hartford at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing. Notice shall be sent by the applicant by certified mail to the owners of record of all properties abutting the subject property. Evidence of such mailing shall be submitted to the Board prior to or at the public hearing.

Whenever the Zoning Board of Appeals has before it for consideration an application for a variance in the use of property, any portion of which lies within five hundred (500) feet of a contiguous municipality, such Board shall, at least one (1) week prior to the hearing thereon, notify the Clerk of such municipality, in writing, of the fact of such application and of the date fixed by it for such hearing.

Section 811 Decision of the Board

The Zoning Board of Appeals shall render its decision on such an appeal within sixty-five (65) days after the hearing.

The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

Decisions of the Board shall take effect when rendered, provided a copy thereof shall be filed in the Office of the Town Clerk. Any person who appeals to the Board shall be notified of the Board's decision on his appeal by certified mail within fifteen (15) days after such decision is rendered. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the Town of East Hartford within fifteen (15) days after such decision has been rendered.

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ARTICLE IX: VALIDITY

Section 900 Validity

If any section, paragraph, subdivision, clause or provision of the regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or such section so adjudged, and the remainder of these regulations shall be deemed valid and effective.

ARTICLE X: EFFECTIVE DATE

The effective date of these regulations is March 15, 1997.

ARTICLE XI: AMENDMENTS

Effective Date	Article	Section(s)	Amendment
07/04/97	V	502.2	Industrial District Zoning Regulations, Section 502.2 Special Permit Uses: Addition of new subsection 502.2(e) **New/Used truck sales and services**
07/18/97	II	200	General Provisions, Section 200 – Definitions
		225	**Commercial Wireless Telecommunication –** Addition of new Section 225: - General Requirements
	IV	401.1; 402.1; 403.1; 404.1; 405.1; 406.1	**Commercial Wireless Telecommunication –** Business District Zoning Regulations, Additions to Permitted Uses
		401.2; 402.2; 403.2; 404.2; 405.2; 406.2	**Commercial Wireless Telecommunication –** Business District Zoning Regulations, Additions to Special Permit Uses
		401.1	**Commercial Wireless Telecommunication –** Business District Zoning Regulations, Addition to Permitted Accessory Uses
	V	501.1; 502.1	**Commercial Wireless Telecommunication –** Industrial District Zoning Regulations, Additions to Permitted Uses
		501.2; 502.2: 503.3	**Commercial Wireless Telecommunication –** Industrial District Zoning Regulations, Additions to Special Permit Uses
09/01/00	II	200	General Provisions, Definitions, **Fixed Wireless Facility**
		226	General Requirements for **Fixed Wireless Facility**
01/04/01	II	200	Definitions: Canopy, **Freestanding and Canopy**, Attached Building
		214.2h	Prohibition of **Freestanding Canopies**, of Canopies attached to principal buildings or accessory buildings in an Industrial Zone
		209.3(x)	**Parking Requirements for Public Schools** with Grades 9 Through 12
08/31/01	II	203	Buffer Strips
		227	Landscaping and Screening Areas - General Requirements
	III	303.3	Lot Sizes and Area
		303.4	Lot Area per Dwelling Unit
	VII	702.4	Environment and Transportation Review
		707	Environment and Transportation Review Standards
01/08/03	IV	401.1B, 402.1B, 403.1B, 404.1B, 405.1B, 406.1B	To Allow As An Accessory Use **Temporary Seasonal Outdoor Restaurant Dining Facilities**
	V	501.1B, 502.1B, 503.2	
	IV	401.2, 402.2, 403.2, 404.2, 405.2, 406.2	To allow **Permanent seasonal outdoor restaurant dining facilities associated with restaurant/eating establishment** with/without Alcoholic Beverages
	V	501.2, 502.2, 503.3	
	II	200	Definitions
		208	Prohibition Use Variances
02/11/04	VI	603	Design Development District – **New Provisions for Age-Restricted Development**
03/10/04	II	200	Definitions — **House of Worship** – Add new wording
		208	Prohibition of Use Variances – **House of Worship**

Effective Date	Article	Section(s)	Amendment
03/10/04	III	301.2C, 302.2C, 303.2C, 304.2C, 305.2C	Amend All Terminology Relating to **"Churches" to "House of Worship"**
	IV	403.2	Add New Special Permit Section To Allow a **House of Worship Operated By Duly Incorporated Non-Profit Organization**
08/13/04	II	200	Definitions, **Substance Abuse Treatment Facilities**
		208	Prohibition of Use Variances
	IV	401.2, 402.2, 403.2, 404.2, 405.2, 406.2	Add New Sections to Allow **Substance Abuse Treatment Facilities By Special Permit**
	V	501.2, 503.3	Add New Sections to Allow **Substance Abuse Treatment Facilities By Special Permit**
08/25/04	II	214.1(m)	Permitted Accessory Uses & Structures **-- Temporary Classroom Buildings**
	III	301.2C, 302.2C, 303.2C, 304.2C, 305.2C	Accessory Structures and Uses – Residential Zones (R-1), (R-2), (R-3), (R-4), (R-5) To Allow **Temporary Classroom Buildings As An Accessory Use To A College** In Residential Zones
09/08/04	VI	604	Establishment of **Incentive Development Zone**
12/08/04	II	210	Signs: **To allow modifications to size, number of signs and location provisions of signs**
01/12/05	II	200	Definitions: Addition of **Public Storage**
		209.3	Areas of required parking facilities: **Public Storage**
	IV	404.1a	Business 3 (B-3) Zone – Permitted Uses and *Accessory Use*s and Use: **Public Storage**
	V	502.1a	Industrial 2 (I-2) Zone – Permitted Uses and *Accessory Use*s and Use: **Public Storage**
06/08/05	V	503.1	Industrial 3 (I-3) Zone – **List of Prohibited Permitted Uses**
06/14/05	VI	603	Adoption of Article VI – **Design Development District**
03/01/06	II	228	Addition of new Section – **Drive-Through Facilities**
06/02/06	VII	712	**Application Procedure and Requirements for Text Amendment**
08/30/06	II	210.6	General Provisions: Addition of new section **to allow billboard exception** pursuant to Section 3-30 of the East Hartford Code of Ordinances and "Design Review and Approval" under Section 702
08/01/07	VI	604.3(1)	Amendment to **Incentive Development District**
01/09/08	IV	406.1	Addition of **Catering without a Catering Hall**
02/11/08	V	503.3	Industrial 3 (I-3) Zone – Special Permit Uses Adult Oriented Establishments for the purposes of **a moratorium on new Adult-Oriented Establishments not to exceed eight (8) months.**
02/13/08	V	503.3	Industrial 3 (I-3) Zone – Special Permit Uses **Adult-Oriented Establishments to provide new preamble and severability sections**, and keep existing Section 503.3(2)
09/08/08	V	503.1b	Industrial 3 (I-3) Zone – **Permitted uses with special requirements, Adult-Oriented Establishments**
	VI	601	To add federal/state mandated modifications to the **Municipal Flood Hazard Area regulations** and new Federal Emergency management Agency (FEMA) Flood Insurance Rate Mapping (FIRM).

Effective Date	Article	Section(s)	Amendment
07/14/2010	II	200	Definitions added: **Animated Sign, Changing Sign, electronic Message Center(EMC) Sign, Flashing Sign, Fuel Price Sign, Revolving Sign, Time and Temperature Sign**
09/16/2011	VI	601.1	Definitions added: **Base Flood, Base Flood Elevation (BFE), Basement, building**
07/14/2010	II	200	Definitions added: **Electronic Message (EMC) Sign, Time and Temperature Sign, Fuel Price Sign; Flashing Sign, Changing Sign, Animated Sign, Revolving Sign**
		210.6, 210.5(f), 210.1	New wording with reference to EMC sign/s
		210.1	Second sentence add the word "**number**".
		210.5.9	Additional wording added.
8/10/2011	II	200	New definition added: **Donation Drop-Off Box**
07/14/2010	II	200	Additional wording added
03/02/2012	VII	702.2	Site Plan Review
9/16/2011	VI	601.2	Additional text to 601.2 d
		601.9	Additional text to a.7 and b.5
4/04/2013	IV	400	Addition of Section B-6 Zone 406
			Removed B-1A Zone
12/01/2011	II	200	New definition added: **Adult Daycare Facility**
		209	Added new parking req. Adult Daycare Facility
	III	304.2	Added special permit use-Adult Daycare Facility
		305.2	Added special permit use-Adult Daycare Facility
05/05/2011	VI	604.3.a.1	Deleted Section
5/10/2012	II	228.2 (h)	New language to 228 Drive-Through Facilities
7/14/2010	II	200	New definition added: **Extended Stay Hotels**
	IV	402.2	Addition special permit uses- Extended Stay Hotels
8/19/2011	III	301.2 302.2 303.2 304.2 305.2	Addition to special permit uses when associated with a legally conforming house of worship- Donation Drop-Off boxes
	IV	401.2 402.2 403.2 404.2 405.2 406.2	Addition to special permit uses - Donation Drop-Off boxes *B-2, when associated with a legally conforming house of worship
	V	501.2 502.2 503.3	Addition to special permit uses - Donation Drop-Off boxes
5/02/2013	II	210.6.N.3	Additional wording added to include two sign faces
5/02/2013	II	210.6.N.3	Additional wording added to include two sign faces
12/3/2013	II	200	Addition of new definition Dispensary Facility Addition of new definition Marijuana Addition of new definition Paraphernalia Addition of new definition Production Facility Addition of new definition Production or Produce
12/3/2013	V	502.2	Addition to special permit uses – Marijuana Production Facility
12/3/2013	V	503.2	Addition to special permit uses – Marijuana Production Facility

Effective Date	Article	Section(s)	Amendment
12/2/2013	IV	403.2	Addition to special permit uses – Dispensary Facility
12/3/2014	II	225.8	Panel Antenna Height Change
12/13/2014	II	210.5(a) 9	*Directional Signs*
4/30/2015	II	217	Soil Erosion and Sedimentation Control Regulations
4/30/2015	II	217	Soil Erosion and Sedimentation Control Regulations
4/30/2015	VII	706	Site-Plan Financial Guarantee Requirements
5/1/2014	IV	401	Addition of new language for Propane Exchange Cages
	IV	402	Addition of new language for Propane Exchange Cages
	IV	403	Addition of new language for Propane Exchange Cages
	IV	404	Addition of new language for Propane Exchange Cages
	IV	405	Addition of new language for Propane Exchange Cages
	V	503	Addition of new language for Propane Exchange Cages
5/1/2014	II	229	Prohibited Security Gates
5/1/2014	II	217	New language for propane exchange cages
9/2/2015	II	200	Addition of new definition Service Establishments Commercial Addition of new definition Service Establishments Personal Addition of new definition Tier (I) Service Establishments Personal Addition of new definition Tier (II) Service Establishments Personal Addition of new definition Massage Therapy Accessory Use Addition of new definition Multi-Disciplined Beauty Salon/Health Spa
9/2/2015	II	208	Addition to prohibition of use variances Massage Therapy: Principal Use or Accessory Use
9/2/2015	IV	401.1 402.1 403.1 404.1 405.1 406.1	Service Establishments change to permitted use and accessory use
9/2/2015	V	503.1, 503.2	Service Establishments change to permitted use and accessory use
9/2/2015	IV	401.2 402.2 404.2 405.2 406.2	Addition of Service Establishments Personal Tier (II) to special permit
2/3/2016	II	200	Addition of new definition Assisted Living Facility
2/3/2016	II	209.3	Assisted Living Facility added to parking requirements
2/3/2016	IV	406.1	Assisted Living Facility added as permitted use
3/30/2016	II	207.4.b	Special Permit requiring a Site Plan prepared pursuant to Sec. 705
3/30/2016	II	209.3.k	Parking requirement for Manufacturing Plants
3/30/2016	II	210	New procedure for Sign Applications
3/30/2016	II	217.7	E&S plan filing requirement; digital plan in place of mylar

Effective Date	Article	Section(s)	Amendment
3/30/2016	VI	603.9	DDD Master Plan filing requirement; digital plan in place of mylar
3/30/2016	VII	705	Complete section revision; includes new requirements and digital plans

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